



PRESENT:

Mr. Daniel A. Gecker, Chairman
Mr. Sherman W. Litton, Vice-Chairman
Mr. Phillip G. Cunningham
Mr. Russell J. Gulley
Mr. Ronald K. Stack
Mr. Thomas E. Jacobson, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. William D. Poole, Assistant Director,
Development Review, Planning Department
Mr. Glenn E. Larson, Assistant Director, Plans and Information
Section, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Darla W. Orr, Senior Planner, Zoning and
Special Projects, Planning Department
Mr. Fred Moore, Planner, Zoning and
Special Projects, Planning Department
Mr. Theodor Barclay, Code Enforcement Supervisor,
Code Enforcement Branch, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review, Planning Department
Mr. Jeffrey H. Lamson, Senior Planner, Development
Review, Planning Department
Mr. Alan G. Coker, Senior Planner, Development
Review, Planning Department
Mr. Doug Mawby, Senior Planner, Development
Review, Planning Department
Mr. Zachary L. Robbins, Planner, Development
Review, Planning Department

Mr. David A. Hainley, Planning Administrator,
Development Review, Planning Department
Ms. Barbara Fassett, Planning Administrator, Advance Planning
and Research Branch, Planning Department
Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Branch, Planning Department
Mr. George W. Schanzenbacher, Principal Planner, Advance
Planning and Research Branch, Planning
Mr. Steven F. Haasch, Planner, Advance Planning and
Research Branch, Planning Department
Ms. Linda N. Lewis, Administrative Secretary, Administrative
Branch, Planning Department
Ms. Teresa C. Davis, Administrative Specialist, Administrative
Branch, Planning Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Ms. Lola M. Rodriguez, Assistant County Attorney,
County Attorney's Office
Mr. Allan M. Carmody, Budget Manager,
Budget and Management Department
Mr. James R. Banks, Assistant Director,
Transportation Department
Mr. Stan B. Newcomb, Principal Engineer,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Ms. Joan Salvati, Water Quality Administrator,
Environmental Engineering Department
Mr. Douglas Pritchard, Jr., Engineering Supervisor,
Environmental Engineering Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Mr. Michael S. Golden, Director,
Parks and Recreation Department
Mr. Stuart Connock, Jr., Chief of Park Design
and Construction, Parks and Recreation Department
Assistant Fire Marshal Steve Hall, Fire and Life Safety,
Fire Department
Dr. Billy K. Cannaday, Jr., Superintendent,
School Administration
Ms. Cynthia Owens-Bailey, Director of Planning,
School Administration

WORK SESSION

At approximately p. m., Messrs. Gecker, Litton, Cunningham, Gulley, Stack and staff met in the Executive Session Meeting Room, Chesterfield County Administration Building for lunch and a work session to discuss the following:

- A. **Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.**
- B. **Review Day's Agenda.**
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)
- C. **Plans and Information Section Projects Update.**
- D. **Work Program – Review and Update.**
- E. **Consideration of the following Administrative Substantial Accord Determinations:**

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
03PD0224* Midlothian	Wayne Morris	Substantial Accord Determination	Grove Park Court Tower
03PD0343* Matoaca	Chesterfield County Parks and Recreation	Substantial Accord Determination	Horner Park Expansion
04PD0126 Dale	Chesterfield County Parks and Recreation	Substantial Accord Determination	Stratton Property/Ferrum College

- F. **Recommendation on:**
 - ◆ **Code Amendment relating to Special Exceptions and Conditional Uses in Residential and Agricultural Districts.**
(NOTE: A public hearing was held and closed on this matter on August 19, 2003. Action on the Amendment was deferred to this date.)
- G. **Discussion Relative to:**
 - ◆ **Proposed Chesapeake Bay Ordinance Amendments.**
 - ◆ **Proposed Code Amendment relative to Civil Penalties.**

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

At Mr. Jacobson's request, it was on motion of Mr. Gulley, seconded by Mr. Litton, that the Commission amended the agenda to consider amendment of the July 15, 2003, Planning Commission minutes, as provided by memo in the Commission's material packets.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

On motion of Mr. Gulley, seconded by Mr. Stack, the Commission approved amendment of the July 15, 2003, Planning Commission minutes, with the following correction:

Page 9, paragraph 9:

"03PW0339: In Dale Magisterial District, **DOUGLAS R. SOWERS** requested Planning Commission approval of a development standards waiver to Section 19-635(f)(5) requiring signs within a right of way to be located within a median strip. This development is commonly known as **QUALLA FARMS - SECTION 5**. This request lies in a Residential (R-12) District within the right of way at the southeast quadrant of Qualla Road and Stockport Drive. (Sheet 16).

"Mr. Gary Lee **Scotto**, the applicant's representative, accepted staff's recommendation.

"No one came forward to speak in favor of, or in opposition to, the request.

"On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission found Case 03PW0339 substantially complied with the five (5) factors of Section 19-19 of the County Code and resolved to recommend approval of a development standards waiver to Section 19-635(f)(5) of the Zoning Ordinance requiring signs within a right of way to be located within a median strip, for Case 03PW0339, Douglas R. Sowers (Qualla Farms – Section F), subject to the following note:

"NOTE:

The applicant is also required to complete appropriate licensing procedures with The Virginia Department of Transportation and the Chesterfield County Right of Way Department.

"AYES: Messrs. Gecker, Cunningham, Gulley and Stack.

"ABSENT: Mr. Litton."

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

B. REVIEW DAY'S AGENDA.

Messrs. Allen, Hainley and Poole, respectively, updated the Commission as to the status of, and staff's recommendation for, the requests to be considered during the Afternoon Session, as well as the proposed Code Amendment relating to the display banners that advertise onsite activities of nonprofit organizations, the Connectivity Policy, the proposed amendment of the Subdivision Ordinance establishing standards for lots

impacted by wetlands, floodplains or RPAs; and the proposed Code Amendment relative to signs in the road rights of way.

Ms. Rogers updated the Commission as to the status of, and staff's recommendation for, the upcoming caseloads and the zoning requests to be considered during the Evening Session, as well as the proposed Code Amendment relating to Special Exceptions and Conditional Uses in Residential and Agricultural Districts, which action was deferred by the Commission from their August 19, 2003, meeting to the September 16, 2003, Work Session.

Mr. Stack requested that the 7:00 p. m. Session Discussion agenda be reordered so Case 03SN0246, Wal-Mart Stores, East, L.P. would be the first item.

On motion of Mr. Stack, seconded by Mr. Gulley, the Commission amended the 7:00 p. m. Session Discussion agenda and reordered Case 03SN0246, Wal-Mart Stores, East, L.P. as the first item to be discussed.

During discussion of Case 03SN0246, Wal-Mart Stores, East, L.P., on the Day's Agenda, Mr. Gecker declared a conflict of interest pursuant to the Virginia Conflict of Interest Act and excused himself from the meeting at approximately 12:55 p. m.

With respect to Case 03SN0246, Wal-Mart Stores East, L.P., Mr. Gulley stated he wished the record to reflect that the Stonehenge Community Board had recently elected new officers and it was his understanding Mr. Kidd, the applicant's representative, had not contacted the new leadership of the Association to discuss the proposal; that he, himself, had only been contacted as recently as the previous Tuesday to discuss the case; and that he understood the members of the Stonehenge Association and community varied in their support and/or opposition for this request.

Upon conclusion of discussion relative to Case 03SN0246, Wal-Mart Stores, East, L.P., Mr. Gecker returned to the meeting at approximately 1:15 p. m.

Mr. Bowling updated the Commission as to the status of, and staff's recommendation for, the proposed draft Matoaca Village Plan and related Code Amendments to be considered during the Evening Session.

C. PLANS AND INFORMATION SECTION PROJECTS UPDATE.

Ms. Fassett noted the proposed draft Ettrick Village Plan and related Ordinances was scheduled for discussion at the Commission's October 21, 2003, work session.

D. WORK PROGRAM.

Upon conclusion of discussion relative to the Commission's Work Program, it was the consensus of the Commission to adopt their October 2003 Work Program, as outlined by Mr. Jacobson.

E. CONSIDERATION OF THE FOLLOWING ADMINISTRATIVE SUBSTANTIAL ACCORD DETERMINATIONS:

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
03PD0224* Midlothian	Wayne Morris	Substantial Accord Determination	Grove Park Court Tower

Mr. Jacobson presented a summary of the request and staff's recommendation, noting the applicant was withdrawing the request.

No one was present to represent the request.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Gulley left the meeting.

On motion of Mr. Gecker, seconded by Mr. ~~Gulley~~ Litton, the Commission acknowledged withdrawal of Case 03PD0~~343~~ 224, Wayne Morris.

AYES: Messrs. Gecker, Litton, Cunningham and Stack.

ABSENT: Mr. Gulley.

Mr. Gulley returned to the meeting.

03PD0343* Matoaca	Chesterfield County Parks and Recreation	Substantial Accord Determination	Horner Park Expansion
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Mr. Jacobson presented a summary of the request and staff's recommendation, noting that, as reflected in the Addendum, that although the Health and Utilities Departments continued to recommend the use of public systems, they recommended, since the private systems technically would work well, that Condition 4 be eliminated.

Mr. Mike Golden, Director of Parks and Recreation and representative for the request, accepted the recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Stack, the Commission confirmed the decision of the Director of Planning that the proposed public facility (Horner Park expansion) met the requirements outlined in Part 4 of the County's Substantial Accord Policy for Case 03PD0224, in accordance with the following conditions:

CONDITION: TRACTS A AND B

1. The following setback criteria shall apply to any outdoor play fields, courts, swimming pools and similar active recreational areas:
 - a. With the exception of playground areas which accommodate swings, jungle gyms or similar such facilities, all active play fields, courts or similar active recreational facilities which could accommodate organized sports such as football, soccer, basketball, etc., shall be located a minimum of 100 feet from adjacent properties. Within this setback, existing vegetation shall be supplemented, where necessary, with landscaping or other devices designed to achieve the buffering standards contained in Section 19-522(a)(4) of the Zoning Ordinance.
 - b. If new outdoor play fields, courts, swimming pools and similar active recreational areas are set back more than 100 feet from adjacent properties, the landscaping or other design features described in Condition 2.a. may be modified by the Planning Department at the time of site plan review. Such modification shall accomplish a mitigation of the visual and noise impacts that sports or related activities have on adjacent properties equivalent to the 100 foot setback/landscaping requirements described in Condition 2.a.
 - c. Any playground areas shall be setback a minimum of forty (40) feet from all property lines. (P)

(Note: This condition supersedes Condition 1 of Case 95PD0128 for Tract B. With the exception of Conditions 6 and 12, all other previous conditions of Case 95PD0128, as amended by Case 98PD0202, shall remain in effect for Tract B. Conditions 6 and 12 are hereby deleted.)

CONDITIONS: TRACT A:

2. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and approved devices have been installed. (EE)
3. To provide for an adequate roadway system, the developer shall be responsible for construction of two (2) lanes of Mount Hermon Road Extended, including turn lanes based on Transportation Department standards, from its current terminus just north of Otterdale Branch to the southern property line. Any additional right of way (or easements) required for these improvements shall be recorded. Prior to any site plan approval, a phasing plan for these road improvements shall be submitted to and approved by the Transportation Department. (T)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

04PD0126
Dale

Chesterfield County
Parks and Recreation

Substantial Accord
Determination

Stratton Property/Ferrum
College

Mr. Jacobson presented a summary of the request and staff's recommendation.

Ms. Rogers noted staff had received a letter from the Parks and Recreation Department requesting deferral of Case 04PD0126.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Litton requested the Director of Planning's decision be vacated and that Case 04PD0126 be scheduled for public hearing.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission vacated the decision of the Director of Planning that the proposed public facility (Stratton Property/Ferrum College) met the requirements outlined in Part 4 of the County's Substantial Accord Policy and requested staff take the necessary steps to advertise Case 04PR0126 for public hearing on October 21, 2003.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

F. RECOMMENDATION ON:

◆ **CODE AMENDMENT RELATING TO SPECIAL EXCEPTIONS AND CONDITIONAL USES IN RESIDENTIAL AND AGRICULTURAL DISTRICTS.**

(NOTE: A PUBLIC HEARING WAS HELD AND CLOSED ON THIS MATTER ON AUGUST 19, 2003. ACTION ON THE AMENDMENT WAS DEFERRED TO THIS DATE.)

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to recommend approval of the following Code Amendment:

(1) *That Sections 19-65, 19-66, 19-67, 19-68, and 19-124 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted and Sections 19-68.1, 19-73.1, 19-78.1, 19-83.1, 19-88.1 and 19-93.1 are added to read as follows:*

Article III. Districts

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Division 4. R-88 Residential District

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Sec. 19-65. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-88 District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

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(c) Yard sales, as accessory to a principal use, provided that they do not exceed two days in duration.

Sec. 19-66. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the R-88 District:

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~~(g) Yard sales.~~

~~(h)~~ (g) Other accessory uses, buildings and structures not otherwise prohibited, customarily accessory and incidental to any permitted use.

Sec. 19-67. Conditional uses.

The following uses may be allowed by conditional use in the R-88 District, subject to the provisions of section 19-13:

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(o) Provided the owner or operator of the business resides on the premises, a business operated on a lot or parcel inside or outside of a dwelling unit or accessory building, but not to include massage clinics, certified massage therapists or one chair beauty shops.

(p) Nonprofit legal service facilities.

(q) Nonprofit civic, social and fraternal clubs and lodges; nothing in this subsection shall be construed to include fraternities or sororities operating in conjunction with any public or private school or college.

(r) Cemeteries and graveyards.

(s) Emergency rescue squad and fire station buildings and grounds.

(t) Government buildings.

(u) Greenhouses, hothouses and plant nurseries at which their products are sold or offered for sale.

~~(v)~~ (v) Subject to the following requirements other uses that are not specifically enumerated in this chapter and that are of the same general character as the specifically enumerated uses allowed in this district. Before the planning commission and board of supervisors hear an

application pursuant to this subsection, the director of planning shall consider, among other things, the following: the size and proposed configuration of the site; the size, height and exterior architectural appearance of any proposed structure or structures; noise; light; glare; odors; dust; outdoor activities; traffic; parking; signage; and hours of operation. Based on these considerations, he shall determine that the proposed use's operating characteristics are substantially similar to, and its impact on neighboring properties no greater than, the operating characteristics and impacts of the specifically enumerated uses allowed in this district.

Sec. 19-68. Special exceptions.

The following uses may be allowed by special exception, subject to the provisions of section 19-21:

- (a) ~~Nonprofit legal service facilities.~~ Provided the owner or operator of the business resides on the premises, one chair beauty shops on a lot or parcel inside of a dwelling unit or accessory building.
- (b) ~~Nonprofit civic, social and fraternal clubs and lodges; nothing in this subsection shall be construed to include fraternities or sororities operating in conjunction with any public or private school or college.~~ Kennel, private.
- (c) ~~Gcemeteries and graveyards.~~
- (d) ~~Emergency rescue squad and fire station buildings and grounds.~~
- (e) ~~Government buildings.~~
- (f) ~~Greenhouses, hothouses and plant nurseries at which their products are sold or offered for sale.~~
- (g) ~~A business operated on a lot or parcel inside or outside of a dwelling unit or accessory building and not a home occupation, not to include a massage clinic and certified massage therapist; provided that the owner or operator of the business resides on the premises.~~
- (h) ~~A mobile home located for a period not to exceed nine months; provided that the location of such mobile home is necessary because the principal residence located on the premises has been rendered uninhabitable by fire or act of God.~~
- (i) ~~Yard sales which exceed two days in duration.~~
- (j) ~~Kennel, private.~~

Sec. 19-68.1. Manufactured Home Permit.

The Board of Supervisors may grant a permit with or without conditions for a temporary manufactured home provided the manufactured home is necessary because the principal residence located on the premises has been rendered uninhabitable by fire or Act of God. Such manufactured home need not meet the required conditions of the district as deemed appropriate by the Board of Supervisors at the time the permit is granted.

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Division 5. R-40 Residential District

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Sec. 19-73.1. Manufactured Home Permit

The Board of Supervisors may grant a permit with or without conditions for a temporary manufactured home provided the manufactured home is necessary because the principal residence located on the premises has been rendered uninhabitable by fire or Act of God. Such manufactured home need not meet the required conditions of the district as deemed appropriate by the Board of Supervisors at the time the permit is granted.

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Division 6. R-25 Residential District

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Sec. 19-78.1. Manufactured Home Permit.

The Board of Supervisors may grant a permit with or without conditions for a temporary manufactured home provided the manufactured home is necessary because the principal residence located on the premises has been rendered uninhabitable by fire or Act of God. Such manufactured home need not meet the required conditions of the district as deemed appropriate by the Board of Supervisors at the time the permit is granted.

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Division 7. R-15 Residential District

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Sec. 19-83.1. Manufactured Home Permit.

The Board of Supervisors may grant a permit with or without conditions for a temporary manufactured home provided the manufactured home is necessary because the principal residence located on the premises has been rendered uninhabitable by fire or Act of God. Such manufactured home need not meet the required conditions of the district as deemed appropriate by the Board of Supervisors at the time the permit is granted.

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Division 8. R-12 Residential District

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Sec. 19-88.1 Manufactured Home Permit.

The Board of Supervisors may grant a permit with or without conditions for a temporary manufactured home provided the manufactured home is necessary because the principal residence located on the premises has been rendered uninhabitable by fire or Act of God. Such manufactured home need not meet the required conditions of the district as deemed appropriate by the Board of Supervisors at the time the permit is granted.

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Division 9. R-9 Residential District

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Sec. 19-93.1 Manufactured Home Permit.

The Board of Supervisors may grant a permit with or without conditions for a temporary manufactured home provided the manufactured home is necessary because the principal residence located on the premises has been rendered uninhabitable by fire or Act of God. Such manufactured home need not meet the required conditions of the district as deemed appropriate by the Board of Supervisors at the time the permit is granted.

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Division 15. A Agricultural District

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Sec. 19-124. Uses permitted with certain restrictions.

~~(a) — The following uses shall be permitted in the A District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by special exception, subject to the provisions of section 19-21(e).~~

~~(1) — Stock or dairy farms, including all buildings and structures necessary to such use and the keeping, storage or operation of any vehicle or machinery necessary to such use, provided that the lot or parcel has not less than three acres.~~

~~(b)~~ The following uses shall be permitted in the A District subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

o o o

(3) Stock or dairy farms, including all buildings and structures necessary to such use and the keeping, storage or operation of any vehicle or machinery necessary to such use, provided that the lot or parcel has at least three acres.

(2) That this ordinance shall become effective immediately upon adoption provided, however, that the ordinance shall not apply to any application for special exception or conditional use filed prior to the date of adoption.

(2623:62222.1A/Revised 07/25/03 9:47 AM)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

G. DISCUSSION RELATIVE TO:

◆ PROPOSED CHESAPEAKE BAY ORDINANCE AMENDMENTS.

Upon conclusion of the discussion, it was on motion of Mr. Gulley, seconded by Mr. Cunningham, that the Commission resolved to defer further discussion of the proposed Chesapeake Bay Ordinance Amendments to the October 21, 2003, Planning Commission Work Session.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ PROPOSED CODE AMENDMENT RELATIVE TO CIVIL PENALTIES.

On motion of Mr. Gulley, seconded by Mr. Cunningham, the Commission set the date of, and requested staff advertise, October 21, 2003, at 7:00 p. m., for a public hearing to consider a proposed Code Amendment relative to civil penalties for zoning violations.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

3:00 P. M. AFTERNOON SESSION

Mr. Gecker, Chairman, called the Afternoon Session to order at approximately p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. APPROVAL OF PLANNING COMMISSION MINUTES:

Mr. Jacobson stated that the first order of business would be the consideration of the August 19, 2003, Planning Commission minutes.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission resolved to approve the August 19, 2003, Planning Commission minutes, as written.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

04TW0108: In Bermuda Magisterial District, **KENNETH AND LOIS EBRIGHT** requested Planning Commission approval of a development standards waiver to Section 19-510(a)(1) of the Zoning Ordinance to permit a boat to be parked in the side yard rather than the required rear yard area. This request lies in a Residential (R-7) District on a .299 acre parcel located at 9554 Ashwood Road. Tax ID 790-667-6548 (Sheet 18).

Mr. Kenneth and Ms. Lois Ebright, the applicants, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission found Case 04TW0108, Kenneth and Lois Ebright, substantially complied with the five (5) factors of Section 19-19 of the County Code and resolved to recommend approval of a development standards waiver to Section 19-510(a)(1) of the Zoning Ordinance to permit a boat to be parked in the side yard rather than the required rear yard, subject to the following condition:

CONDITION

The boat shall be parked in the side yard immediately adjacent to the structure at all times except during loading and unloading activities.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

03PR0314: In Matoaca Magisterial District, **HARBOURSIDE CENTRE LLC** requested Planning Commission approval of a conceptual buffer plan and a conceptual pedestrian walkway plan, as required by zoning Case 88SN0056. This development is commonly known as **HARBOURSIDE CENTRE**. This request lies in Corporate Office (O-2) and Neighborhood Business (C-2) Districts on five (5) parcels totaling 8.817 acres located in the southwest quadrant of Hull Street Road and Mockingbird Lane and west of Harbourside Drive. Tax IDs 729-674-8507; 730-673-1361, 2097 and 2291; and 730-674-1312 (Sheets 15 and 16).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission resolved that approval of a conceptual buffer plan and conceptual pedestrian walkway plan, as required by Conditions 3 and 10 of zoning Case 88SN0056, for Case 03PR0314, Harbourside Center LLC (Harbourside Center), shall be and it thereby was granted.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

03PR0337: In Clover Hill Magisterial District, **MEXICO RESTAURANT** requested Planning Commission approval for architecture per Condition 3 for the Dankos Property of zoning Case 01SN0121. This project is commonly known as **MEXICO RESTAURANT – U.S. 360**. This request lies in a Neighborhood Business (C-2) District on part of a 5.798 acre parcel fronting approximately 320 feet on the north line of Hull Street Road, also lying approximately 260 feet east of the intersection of Southshore Drive and Hull Street Road. Tax ID 725-672-Part of 0417 (Sheet 15).

Mr. Bruce Perretz, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved that approval of architecture for an approximately 6,400 square foot building for Case 03PR0337, Mexico Restaurant (Mexico Restaurant – Route 360), shall be and it thereby was granted, subject to the following conditions:

CONDITIONS

1. The brick called "Silverstone Velour" by Cunningham Brick Company shall be used as an accent brick, and the brick called "Mod. Beaver Blend Dart – Tex A" by the Beldon Brick Company shall be used as the primary brick for the exterior wall finish.
2. Colors of the E.I.F.S. (i.e. – Dryvit), except as noted below, and the metal cap flashing on the parapet shall match the color of the brick used for Mexico Restaurant called "Silverstone Velour". The standing seam roof material and color used for the roofed areas shall closely match the standing roof material and color of the roof on Walgreen's. The colors of the accent medallion E.I.F.S. shall match the color of the brick called "Mod. Beaver Blend Dart – Tex A". Grout colors shall match the brick.

3. The architectural elevations shall be revised to accomplish the following review comments:
 1. The titles of the building elevations currently have wrong east, west, north and south orientation. Elevations shall be revised to reflect a proper orientation to east, west, north and south as shown on the site plan.
 2. Elevations shall be revised to reflect the final design, materials and colors approved by the Planning Commission.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

03PR0338: In Midlothian Magisterial District, **RON EVANS** requested Planning Commission approval of a site plan in conjunction with a reduction of the required fifty (50) foot buffer adjacent to residentially-zoned property. This project is commonly known as **SALISBURY WEST OFFICE PARK, PHASE I**. This request lies in a Light Industrial (I-1) District on an 8.695 acre parcel fronting approximately 1,000 feet on the west line of Wylderose Drive, also fronting approximately 650 feet on the south line of Otterdale Road. Tax IDs 720-711-Part of 3871 and 721-711-0329 (Sheet 5).

Mr. Brian Mitchell, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Stack, the Commission resolved that site plan approval, in conjunction with a reduction of the required fifty (50) foot buffer adjacent to residentially zoned property, for Case 03PR0338, Ron Evans (Salisbury West Office Park, Phase I), shall be and it thereby was granted, subject to the following conditions and review comments:

CONDITIONS

1. The buffer between the office park and the apartments shall be established as shown on the plan titled "Conceptual Buffer Plan" for Salisbury West Office Park dated August 5, 2003. The width of the buffer may vary, but shall be no less than the width shown on the buffer plan as the "Tree save area and supplemental plantings."
2. The site plan shall be revised to address the following review comments:

REVIEW COMMENTS

1. The fire hydrant at the south entrance is not included on the 99-0050 approved plans. For a meter off the fire hydrant lateral, an additional valve is required between the service connection and fire hydrant. (U)
2. Show the existing manhole number at the sewer tie-in. Show the manhole invert out. (U)

3. Show a profile for the sewer lateral-match crowns with the outfall line or bring it in up to two (2) feet above the invert. (U)
4. It is the responsibility of the applicant to comply with and/or acquire all applicable federal and/or state permits in relationship to environmental features including but not limited to "wetlands, surface waters (e.g. VPDES permit for construction sites of one (1) acre or more), ground water and air quality". Final approval of these plans will not relieve you of your responsibility. (EE)
5. The pipe stub to intercept the 1.5 acre future drainage area should be extended beyond the dumpster pad. (EE)
6. Provide a structure number for the above pipe stub and provide invert elevations. The pipe stub should be installed so that it picks up drainage from the 1.5 acre drainage area in its existing state. (EE)
7. The deed book and page number of all existing drainage easements must be shown on the plan. Address for the drainage easement on the Park at Salisbury property. (EE)
8. Bituminous curbing (standard Mc-3a) is required along the edge of pavement separating the different phases of the project. Show and label on the plan sheets. Spot elevations should be provided to show positive drainage to Structure 5. (EE)
9. Remove the rip-rap pad downstream of Structure 6 since a concrete channel is now proposed. (EE)
10. Calculations must be provided for the concrete channel now proposed. (EE)
11. Provide a profile for the concrete channel. This profile must extend down to and show the existing storm sewer system. (EE)
12. A Phase I erosion control plan must be provided which shows the minimal amount of clearing required for the installation of the perimeter erosion control measures. Dimensions must be provided. This must be a separate plan sheet. (EE)
13. Erosion control measures must be provided for the project for the initial clearing, grubbing and grading operations. The drainage areas must be outlined and the sediment trapping facilities designed on the worst case scenario. (EE)
14. Safety fence (standard & spec 3.01) is required around all sediment traps and sediment basins. (EE)
15. Prior to issuance of a land disturbance permit, a diskette/cd, the format of which shall be Autocad.dwg or dxf, must be submitted to Virginia Barbour of Environmental Engineering. The diskette/cd must contain the following, each in a separate layer:
 - a. Final grading contour lines (five (5) foot intervals);

- b. Proposed building footprint;
- c. All impervious area (parking lots, driveways, roads, etc); and
- d. The storm sewer system.

A "layer report" printed from Autocad must be submitted with the diskette/cd. Both the diskette/cd and the report must be labeled with the site plan name, site plan number and the engineering firm. All Autocad files must be referenced directly to the Virginia State Plane Coordinate System, South Zone, in the NAD83 datum. (EE)

- 16. A land disturbance permit is required for this project and the following is required prior to its issuance:

Substantial or full site plan approval. (EE)

- 17. Streets need to be named. Two (2) names are required. "West Salisbury rd" is an existing name and cannot be used. (EE)
- 18. Streets named must be approved through "Richmond Regional Planning District Commission Street Name Clearing House" and/or "Crater Planning District Commission Street Name Clearing House." Verification must be submitted to David Valleau, Address Technician, Environmental Engineering prior to substantial approval. (EE)
- 19. If the lot is a through or corner lot and the street address sign will be visible from more than one (1) road, the street name must be included in the sign. (EE)
- 20. A foot print floor plan must be submitted to house numbering prior to substantial approval so that addresses may be assigned. (EE)
- 21. If a street sign is to be located perpendicular to Wylderose Drive the street name must be included on the sign. (EE)
- 22. Use a flush pad with two (2) ramps in lieu of a cg-12 handicap ramp at the handicap spaces. (P)
- 23. Show utilities, storm sewer, easements and lighting on the landscape plan to work out conflicts. (P)
- 24. Show sidewalk on landscape plan as it appears on the site plan. (P)
- 25. The arrangement of holly trees at the entrance to Phase I is very tight and could cause a visibility issue for drivers. Pull them back from the curb. (P)
- 26. River Birch is not a good choice for a parking lot island; the branches tend to sag and interfere with cars. Consider trees with an upright branching habit for good visibility. Ensure all proposed plants are specified at the sizes required by the Zoning Ordinance. (P)

27. We are seeing that Sugar Maples are having a difficult time establishing in this area as this is their far southern range. Consider another large maturing tree. (P)
28. Place large maturing shade trees along Wylderose Drive at a maximum of forty (40) feet on center. Use a 2.5 inch caliper tree per new Ordinance requirements. (P)
29. Provide typical cross sections through the buffer where a retaining wall is proposed. Include the method of construction of the walls to allow us to evaluate the impacts to the saved trees in the buffer. (P)
30. Currently, the sidewalk on the southern side of the parking lot extends to the street. Since the northern sidewalk connects to the apartments, this sidewalk should connect to the street to minimize through-traffic pedestrian activity crossing through parking areas. (P)
31. Retaining walls to protect existing trees must be extended 240 feet to the south and ninety (90) feet to the north to maximize root zone protection within the remaining buffer areas. The northern extension must follow the curve of the curb as much as possible. (P)
32. Polyvinyl chloride (PVC) fence along the road frontages must be forty-eight (48) inches tall and have three (3) rails. (P)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

03PR0352: In Clover Hill Magisterial District, **WILLIAM DUVAL** requested Planning Commission approval of a landscape plan, as required by zoning Case 87S016. This development is commonly known as **RICHMOND SPORTS EXPERIENCE**. This request lies in a Light Industrial (I-1) District on part of a 33.18 acre parcel fronting approximately 500 feet on the north line of Oak Lake Boulevard, approximately 900 feet north of Oak Lake Court. Tax ID 735-692-Part of 9226 (Sheet 10).

No one came forward to represent the request.

Mr. Robinson noted, in accordance with the Commission's By-Laws, the Commission could either proceed with the request or defer it to their next meeting without the applicant and/or his representative present.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved that landscape plan approval for the proposed Richmond Sports Experience site, as required by Condition 6(a) and Textual Statement Condition 2 of zoning Case 87S016, for Case 03PR0352, William DuVal (Richmond Sports Experience), shall be and it thereby was granted, subject to the following condition:

CONDITION

The entire front yard setback shall be irrigated using an automatic sprinkler system.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

03PR0368: In Clover Hill Magisterial District, **VIRGINIA CREDIT UNION** requested Planning Commission approval of a landscape plan, per zoning Case 86S117. This development is commonly known as **VIRGINIA CREDIT UNION OPERATIONS CENTER**. This request lies in a Light Industrial (I-1) District on part of a 150.31 acre parcel fronting approximately 1,000 feet on the east line of Charter Colony Parkway, north of Carriage Creek Lane. Tax ID 730-691-Part of 4669 (Sheet 9).

No one came forward to represent the request.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Gecker stated he felt, given the complexity of the recommended conditions, he preferred that the case be deferred to the 7:00 p. m. Evening Session to allow the applicant to be contacted and have someone present to represent the request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission amended the agenda to place Case 03PR0368, Virginia Credit Union (Virginia Credit Union Operations Center), on the 7:00 p. m. Evening Session Agenda with the deferred requests.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **CASES WHERE THE APPLICANT DID NOT ACCEPT THE RECOMMENDATION AND/OR THERE WAS PUBLIC OPPOSITION OR CONCERN.**

04PW0109: In Bermuda Magisterial District, **DEVON LLC** requested Planning Commission approval of a development standards waiver to Section 19-637(e) of the Zoning Ordinance requiring directional signs to not contain business names and logos and limiting said signs to no more than two (2) colors. This development is commonly known as **ENTERCHANGE AT WALTHALL**. This request lies in a Light Industrial (I-1) District on two (2) parcels totaling 21.68 acres fronting approximately 1,100 feet on the north line of Ruffin Mill Road. Tax IDs 806-638-5111 and 807-637-0074 (Sheet 35).

Mr. Allen presented an overview of the request and staff's recommendation for denial, noting the applicant's situation was not unique to this particular property, denial of the request would not inhibit the use of the property and a reasonable alternative to the applicant's request was available without a waiver to the Zoning Ordinance. He stated, however, should the Commission approve the request, staff recommended it be subject to a condition, which he read and submitted to the Commission.

Mr. Phil Ucci, the applicant's representative, did not accept staff's recommendation. He presented background information relative to the development; stated the site used three entrances, one being exclusively for cars and the other two serving trucks; that any directional signs needed to specifically indicate the truck entrance to be used by deliveries to tenants in specific buildings; that a detailed truck entrance sign at each truck entrance showing truck operators which tenants each entrance serves would alleviate excessive truck traffic on the site due to undirected trucks; and that he felt approval of the request was appropriate.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Cunningham stated he had visited the site with both staff and the developer; that although the site was massive, he found the buildings and landscaping attractive; that given the fact the site was large with no retail exposure, he felt directional signs would be an improvement and beneficial to those utilizing the site; and therefore, he felt approval of the request, with the condition provided by staff, was appropriate.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission found Case 04PW0109 substantially complied with the five (5) factors of Section 19-19 of the County Code and resolved to recommend approval of a development standards waiver to Section 19-637.(e) of the Zoning Ordinance requiring that directional signs not contain business names or logos and to the limitation of directional signs to no more than two (2) colors, subject to the following condition:

CONDITION

The signs shall generally conform to the attached drawings and are allowed to have more than two colors and include business names and logos. This shall only apply to the logo panel portions of the signs.

NOTES:

1. In order for these signs to fully conform to the Zoning Ordinance, the Board of Zoning Appeals must grant a variance to the square footage limitations of the Ordinance. The public hearing for this variance is expected to be held on October 1, 2003.
2. All other portions of Section 19-637(e) regarding directional signage must be adhered to, including the restriction that directional signs must be internally illuminated.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

03PR0333: (Amended) In Clover Hill Magisterial District, **BLACKWOOD DEVELOPMENT** requested Planning Commission approval for architecture per Condition 1 for the commercial and office tracts for the Bottoms Property and Condition 3 for the Dankos Property of zoning Case 01SN0121 *and approval for a revised landscaping plan for the existing Aunt Sarah's Restaurant originally approved by the Planning Commission under site plan appeal 00PR0108.* This ~~property~~ project is commonly known as **WAWA – U.S. 360**. This request lies in a Neighborhood Business (C-2) District on part of four (4) parcels totaling 33.9 acres located in the northwest quadrant of the intersection of Temie Lee Parkway and Hull Street Road. Tax IDs 725-672-Part of 1073 and 725-672-Part of 0417 (*for architecture*); 724-671-Part of 7292 and 724-672-Part of 8102 (*for landscaping*). (Sheet 15).

Mr. Allen presented an overview of the request and staff's recommendation for approval of Requests I and II.

Mr. Willis Blackwood, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved that approval of Request I for architecture per Condition 1 for the Commercial and Office tracts for the Bottoms Property and Condition 3 for the Dankos Property of zoning Case 01SN0121 and approval of Request II for a revised landscaping plan for

the existing Aunt Sarah's Restaurant originally approved by the Planning Commission under site plan appeal 00PR0108, for Case 03PR0333, Blackwood Development (Wawa - U. S. Route 360), shall be and it thereby was granted, subject to the following conditions:

CONDITIONS

1. The revised landscaping plan titled "Mexico U.S. 360" dated September 3, 2003 prepared by Balzer and Associates, Inc. shall represent the required re-landscaping of the Aunt Sarah's Restaurant front setback. Plant material changes may be allowed as approved by the Planning Department if disease and/or pests affect plants, or if plant materials become unavailable.
2. Due to the minimal architectural compatibility between the Wawa and the Walgreens buildings, the two (2) tones of brick used on the Wawa building shall use the brick similar to color to the Walgreens building and Aunt Sarah's Restaurant. These bricks, respectively, are called "Mod. Beaver Blend Dart-Tex A" by the Beldon Brick Company, and "Silverstone Velour" by Cunningham Brick Company.
3. Based upon zoning conditions and Zoning Ordinance requirements, the architectural elevations shall be revised to accomplish the following review comments and/or the final design, materials and colors approved by the Planning Commission.

REVIEW COMMENTS:

1. Based upon Condition B.1 of the Bottoms Property in Zoning Case 01SN0121, the brick colors for the Wawa shall be of a through brick solid color in the brown to tan earth-tone range, or use the brick established in Condition 2 above. If Wawa chooses to have two or more colors of E.I.F.S. (i.e. - tradename "Dryvit"), wood trim, structural supports under pedestrian and gas canopies, and/or other exterior materials, the colors need to be relatively close to the brick color(s) as is stated in the condition as "the same or substantially similar. to create a tone on tone effect", **or they may be white. The red panels above the gasoline pumps may remain red.** The mortar between the bricks shall be similar in color to the brick. The personnel doors around the building shall be painted to match the earth-tone color of the masonry. (P)
2. Based upon mechanical equipment screening requirements of the Zoning Ordinance (Sec. 19-570©), the mechanical equipment screening on the rear needs to be increased in height to the height of the tallest mechanical equipment. At each end of the screening wall, extend the screening along the sides to meet the main building roof. (P)
3. The front area of windows uses a larger expanse of glass than other Wawa stores in Chesterfield. **This may remain as long as no window signs or display of merchandise occurs behind or in front of the windows.** ~~For Wawa to use the clear pane glass as noted on the elevations, rather than tinted as required by Condition B.1, change out the lower portion of the windows with brick as accomplished at the Route 10/Cogbill Road Wawa.~~ (P)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

D. FIELD TRIP AND DINNER.

◆ FIELD TRIP SITE SELECTION:

The Commission agreed to forego their Field Trip to visit requests sites.

◆ DINNER LOCATION:

On motion of Mr. Cunningham, seconded by Mr. Litton, the Commission resolved to meet for dinner at John Howlett's Tavern at 5:00 p. m.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

E. ADJOURNMENT.

There being no further business to come before the Commission, the 3:00 p. m. Session was adjourned at approximately 3:51 p. m.

At approximately 4:00 p. m., Messrs. Litton, Gecker, Cunningham, Gulley, Stack and staff departed the Public Meeting Room, agreeing to meet at 5:00 p. m. at John Howlett's Tavern for dinner.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

7:00 P. M. EVENING SESSION

At approximately 7:01 p. m., Mr. Gecker, Chairman, called the Evening Session to order.

A. INVOCATION.

Mr. Gulley presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Fred Moore led the Pledge of Allegiance to the Flag.

C. REVIEW MEETING PROCEDURES.

Mr. Jacobson apprised the Commission of the agenda for the next two (2) months. He stated that the October 21, 2003, agenda was comprised of thirteen (13) cases, the November 18, 2003, agenda was comprised of fifteen (15) cases and the December 16, 2003, agenda had a total of four (4) cases.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

E. CONSIDERATION OF THE FOLLOWING REQUESTS:

Mr. Jacobson called Case 03PR0368, Virginia Credit Union, which was deferred by the Commission from the 3:00 p. m. Afternoon Session.

◆ **REQUESTS FOR DEFERRAL BY APPLICANT.**

03PR0368: In Clover Hill Magisterial District, **VIRGINIA CREDIT UNION** requested deferral to October 21, 2003, for consideration of Planning Commission approval of a landscape plan, per zoning Case 86S117. This development is commonly known as **VIRGINIA CREDIT UNION OPERATIONS CENTER**. This request lies in a Light Industrial (I-1) District on part of a 150.31 acre parcel fronting approximately 1,000 feet on the east line of Charter Colony Parkway, north of Carriage Creek Lane. Tax ID 730-691-Part of 4669 (Sheet 9).

No one came forward to represent the request.

Staff noted the applicant had been contacted and had requested Case 03PR0368 be deferred to the 3:00 p.m. Afternoon Session of the October 21, 2003, Planning Commission meeting.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to defer Case 03PR0368, Virginia Credit Union (Virginia Credit Union Operations Center), to the 3:00 p.m. Afternoon Session of the October 21, 2003, Planning Commission meeting.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

03SN0318: In Bermuda Magisterial District, **BERMUDA TRIANGLE PROPERTY, L.P.** requested deferral to October 21, 2003, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to General Industrial (I-2) on 16.2 acres with Conditional Use Planned Development to permit exceptions to Ordinance requirements on this property and an adjacent 14.2 acre parcel currently zoned General Industrial (I-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 30.4 acres fronting approximately 65 feet on the east line of Old Stage Road and lying at the western terminus of Battery Dantzler Road. Tax IDs 803-655-7389, 803-656-9752 and 804-655-0597 and 2647 (Sheet 27).

Mr. Dean Hawkins, the applicant's representative, requested deferral to the October 21, 2003, Planning Commission public hearing to resolve transportation issues.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission resolved to defer Case 03SN0318 to the October 21, 2003, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

03SN0330: In Bermuda Magisterial District, **CROSS OVER MINISTRY, INC.** requested deferral to January 20, 2004, for consideration of Conditional Use and amendment of zoning district map to permit a medical clinic in a Residential (R-7) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre. This request lies on 1.0 acre and is known as 2619 Sherbourne Road. Tax ID 790-683-4329 (Sheet 12).

Mr. Jack Wilson, the applicant's representative, requested deferral of Case 03SN0330 to the January 20, 2004, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission resolved to defer Case 03SN0330 to the January 20, 2004, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **REQUESTS FOR DEFERRAL BY INDIVIDUAL COMMISSIONER.**

02SN0296: (Amended) In Bermuda Magisterial District, **TED A. WILLIAMS, THOMAS A. WILLIAMS, GRACE M. WILLIAMS TRUST AND GEORGE P. EMERSON, JR.** requested rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3) of 19.0 acres plus proffered conditions on 1.4 acres currently zoned Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use. This request lies on 20.4 acres fronting approximately 850 feet on the south line of East Hundred Road, across from Rivers Bend Boulevard. Tax IDs 815-651-3676 and 7189 and 815-652-2337, 3334, 3521 and 4930 (Sheet 27).

Mr. Dean Hawkins, the applicant's representative, indicated deferral by Mr. Cunningham was acceptable but asked for deferral to the October 21, 2003, public hearing as opposed to the December 16, 2003, public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Cunningham's request.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission, on their own motion, resolved to defer Case 02SN0296 to the October 21, 2003, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

03SN0314: In Dale Magisterial District, **BTC PARTNERS** requested amendment to Conditional Use Planned Development (Case 82S096) and amendment of zoning district map relative to building materials, architectural treatment and occupancy permits in a Residential Townhouse (R-TH) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 16.8 acres fronting approximately 25 feet on the west line of Courthouse Road, approximately 1,300 feet north of Harley Drive. Tax IDs 748-684-Part of 6404 and 749-684-0431 and 4251 (Sheet 10).

Mr. Anthony Bertozzi, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 03SN03114, subject to the following condition and acceptance of the following proffered condition:

CONDITION

All public roads shall have a pavement width not less than forty (40) feet, face of curb to face of curb. These roads shall be constructed to Virginia Department of Highways and Transportation's specifications and taken into the State system. (EE)

(NOTE: This condition supersedes Condition 6 of Case 82S096.)

PROFFERED CONDITION

The exterior treatment of all dwelling units shall be limited to cedar siding, hardboard siding, vinyl siding, Hardy Plank siding or brick, or a combination of such materials. At the time of tentative subdivision plan review, alternative exterior treatments of equal or improved quality and durability, as determined by the Planning Commission, may be substituted provided such materials do not substantively alter the original design, character or appearance of the dwelling units. (P)

(NOTE: This proffered condition supersedes Proffered Condition 6 of Case 82S096.)

(NOTE: With the exception of Condition 6 and Proffered Condition 6 which are amended herein, and the deletion of Proffered Condition 3, all previous conditions and proffered conditions of Case 82S096 shall remain in effect.)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

03SN0315: In Clover Hill Magisterial District, **WILLIAM SOWERS** requested rezoning and amendment of zoning district map from Agricultural (A) to Light Industrial (I-1) with Conditional Use to permit outside storage. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 35.6 acres fronting approximately 550 feet on the south line of Genito Road, approximately 600 feet east of Warbro Road and also fronting approximately 1,900 feet on the east line of Warbro Road, approximately 1,700 feet south of Genito Road. Tax IDs 736-686-8635 and 736-687-8633 (Sheet 10).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 03SN0315 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Public water and wastewater shall be used. (U)

2. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
3. Direct access from the property to Genito Road shall be limited to one (1) entrance/exit and access from the property to Warbro Road shall be limited to two (2) entrances/exits. The exact location of these accesses shall be approved by the Transportation Department. (T)
4. Forty-five (45) feet of right of way on the south side of Genito Road and thirty-five (35) feet of right of way on the east side of Warbro Road, measured from the centerline of those roads immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
5. Prior to the release of the first building permit for any development with access to Genito Road, an access easement acceptable to the Transportation Department shall be recorded from Genito Road to the parcel identified as Tax ID 737-687-1924. (T)
6. To provide an adequate roadway system at the time of complete development, the owner/developer shall be responsible for the following:
 - a. Construction of additional pavement along Warbro Road at each approved access to provide right and left turn lanes, if warranted, based on Transportation Department standards;
 - b. Construction of additional pavement along Genito Road at the approved access to provide a right turn lane, if warranted, based on Transportation Department standards;
 - c. Relocation of the ditch to provide an adequate shoulder along the east side of Warbro Road for the entire property frontage;
 - d. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right of way that is necessary for the improvements described in Proffered Condition 6, the developer may request, in writing, that the County acquire such right-of- way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of- way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right- of-way as determined by the Transportation Department. (T)

7. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 6, shall be submitted to and approved by the Transportation Department. (T)
8. Outside storage shall be permitted. Outside storage areas shall be screened from any internal private roads. Screening shall be accomplished by the use of durable opaque fences and gates constructed of masonry pillars with solid sections made of comparable materials to the principal building and using a design compatible to the principal building. (P)

(Note: This requirement is in addition to the screening requirements of the Zoning Ordinance.)

9. Freestanding business signs shall be of a monument style. (P)
10. Each building exterior (all sides) shall be constructed with a Concrete Masonry Unit (CMU), brick or metal with an Exterior Insulation Finishing System (EIFS) finish for a height of eight (8) feet measured from ground elevation (excluding openings for doors, windows or similar features). Any building exterior which faces an unscreened outside storage or loading area on an adjacent property, which faces an on-site outside storage area serving the subject building that is screened in accordance with Proffered Condition 8, or any building exterior that is deemed to be adequately screened due to, but not limited to, topography, vegetation or similar features shall not be required to be constructed of the above materials provided the architectural treatment of the side otherwise complies with the Zoning Ordinance. (P)

(Note: This requirement is in addition to the architectural requirements of the Zoning Ordinance.)

11. The following Light Industrial (I-1) uses shall not be permitted:
 - 1) Converting paper to paperboard products, paperboard containers and boxes.
 - 2) Moving companies, to include, but not limited to, households and businesses.
 - 3) Paper recycling by the compaction method.
 - 4) Recycling and processing of any material permitted to be manufactured in this district.
 - 5) Wholesale greenhouses, hot houses and nurseries provided that nothing except plant materials is stored outside of a completely enclosed building. (P)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

03SN0327: In Bermuda Magisterial District, **ANTONIO AND CHRISTINE CIMINO** requested Conditional Use and amendment of zoning district map to permit a two (2) family dwelling in a Residential (R-7) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 4.0 units per acre or less. This request lies on 16.7 acres and is known as 2301 Burgess Road. Tax ID 827-647-3654 (Sheet 36).

Mr. Antonio and Ms. Christine Cimino, the applicants, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission resolved to recommend approval of Case 03SN0327, subject to the following conditions:

CONDITIONS

1. Occupancy of the second dwelling unit shall be limited to: the occupants of the principal dwelling unit; individuals related to them by blood, marriage, adoption or guardianship; foster children; guests; and any domestic servants. (P)
2. For the purposes of providing record notice, within thirty (30) days of the approval of this request:
 - a. An instrument titled "notice of zoning restriction" shall be recorded with the property owner indexed as "grantor" and setting forth the limitations of Conditions 1 and 2; and
 - b. The deed book and page number of such notice and a copy of the notice as recorded shall be submitted to the Planning Department. (P)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ POLICY CONSIDERATION:



Residential Subdivision Connectivity Policy establishes standards for street connections to and between existing subdivisions, proposed subdivisions and undeveloped parcels. The Policy establishes limited conditions that will exempt or prohibit the connections from being made. The Policy also establishes the desired density of through streets to facilitate travel through residential areas.



Mr. Hainley presented an overview of the Connectivity Policy and staff's recommendation, noting a modification to the language proposed by members of the development community to which he stated staff had no objection.

No one came forward to speak in favor of, or in opposition to, the proposal.

There being no one to speak to the proposal, Mr. Gecker closed the public hearing at approximately 7:17 p. m.

Mr. Gulley noted he did not intend to support a recommendation for approval of the Policy, citing concerns relative to language ("require connections to stubs" and "shall" connect) in the standards.

On motion of Mr. Litton, seconded by Mr. Stack, the Commission resolved to recommend approval of the following Connectivity Policy, with the modification proposed by the development community and outlined by staff:

**CHESTERFIELD COUNTY
RESIDENTIAL SUBDIVISION CONNECTIVITY POLICY**

Purpose

The purpose of street interconnectivity shall be to (a) improve public safety response time to residents by providing multiple means of access; (b) reduce travel time and distance between neighborhoods by providing alternative travel paths; (c) maintain an acceptable quality of life in the residential neighborhoods by preventing excessive through traffic on local streets where individual lots have direct access onto the street; and (d) maintain the traffic carrying capacity of arterial and collector streets.

Standards

1. New streets shall be stubbed to undeveloped land unless an evaluation of the adjacent property determines that:
 - (a) the undeveloped property at that location has development constraints such as but not limited to, wetlands, topographic features, size, etc;
 - (b) a through street is not required or desired at that location;
 - (c) the street connection creates a violation of the Planning Commission's Stub Road Policy; or
 - (d) the connection would provide sole access to non-residential property.
2. Streets in new subdivisions shall connect to all adjacent stubs unless the resultant local street pattern would create a traffic count that exceeds the Planning Commission's Stub Road Policy. Connection to a stub street within a subdivision that complies with street access requirements as specified in Section 17-76 (h) of the Subdivision Ordinance may be waived if:
 - (a) there are a sufficient number of other stub streets to adequately disperse the traffic and not cause a concentrated use of any one stub street connection; or
 - (b) the connection to a particular stub will cause a concentrated traffic at that location.
3. Subdivision design shall facilitate interconnectivity within its limits through the layout of the overall street network. The design concept of solely using multiple unconnected cul de sacs shall be evaluated and approved based upon circulation, topographic and environmental constraints.

The following table depicts the recommended guidelines for spacing of through streets to facilitate travel through residential areas. The spacing or frequency of the streets decreases with density so as to provide more alternatives and avoid or reduce the construction of streets in excess of four lanes.

Density	Through Street Spacing *
< 1 du/a	1 1/2 miles in each direction
1.01 – 2 du/a	4,000 to 2,500 feet in each direction **
2.01 – 4 du/a	2,500 to 2,000 feet in each direction **
> 4.01 du/a	Street spacing will be reviewed on a case by case basis

* Through streets include arterial, collector and residential collector streets.

** Spacing between streets decreases proportionally to increase in density.

4. Where street extensions are not required, the subdivider shall construct a system of pedestrian pathways which will facilitate pedestrian travel within and to adjacent development.

5. The subdivider shall initially install and maintain thorough the life of the project signs(s) on all stub roads. The purpose of such signs shall be to advise the public that the extension of the stub is planned.

Applicability

This policy shall apply to any zoning case filed or any tentative subdivision plat that receives approval after (INSERT DATE). Any property that received zoning or tentative subdivision plat approval prior to the effective date of this policy and has conditions that conflict with provisions of this policy shall be governed by those conditions.

Adopted (INSERT DATE)

AYES: Messrs. Gecker, Litton, Cunningham and Stack.
NAY: Mr. Gulley.

◆ CODE AMENDMENTS RELATING TO:

◆ SIGN DESIGN AND SETBACK REQUIREMENTS.



An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Section 19-636 relating to sign design and setback requirements. This amendment will allow signs to be placed in the ultimate road right of way subject to a license from the County.



Mr. Poole presented an overview of the proposed Code Amendment and staff's recommendation for approval of Exhibit B.

Mr. George Emerson, a County resident and developer, voiced support for the proposal.

There being no one else to speak, Mr. Gecker closed the public hearing at approximately 7:20 p. m.

On motion of Mr. Cunningham, seconded by Mr. Stack, the Commission resolved to recommend approval of the following Code Amendment:

(1) *That Section 19-636 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:*

Sec. 19-636. Sign design and setback requirements.

(a) With the exception of signs permitted to be placed in the right-of-way pursuant to sections 19-

635(f) and 19-636(e), all signs, including directional signs, shall be set back a minimum of 15 feet from all property lines, unless a greater setback is specified by conditions of zoning, approved site or subdivision plans, or by this chapter.

(b) Along public rights-of-way, the setback may be reduced to a minimum of 20 feet from the edge of the pavement or the face of curb, but, except as permitted in section 19-636(e), in no case shall the sign shall be set back less than one foot from the property line, provided the sign shall be relocated to conform to the requirements herein at the time the adjacent road is widened.

(c) Within any village district, the sign setback shall be five feet from the right-of-way line.

(d) Along roads which have proposed right-of-way expansion, as delineated in the comprehensive plan, if such right-of-way has not been acquired, signs may be located within the proposed right-of-way, provided the sign shall be relocated to conform to the setback requirements upon acquisition of the right-of-way.

(e) Along the following roads where the right-of-way for future expansion, as delineated in the comprehensive plan, has been acquired by the county free and unrestricted, signs for office, commercial, industrial and mixed use projects may be placed within the county owned right-of-way subject to a license approved by the board of supervisors. The license shall require the owner of the sign to relocate the sign to conform to the setback requirements of the zoning ordinance at no cost to the county or state upon request of the county or state.

- (1) Route 60 between the Powhatan County line and Winterfield Road,
- (2) Route 60 between Old Buckingham Road and the Richmond City line,
- (3) Route 360,
- (4) Route 10 between the Richmond City line and Buckingham Street,
- (5) Route 10 between Jefferson Davis Highway and the Hopewell City line,
- (6) Huguenot Road,
- (7) Courthouse Road between Route 60 and Route 360,
- (8) Harrowgate Road,
- (9) Jefferson Davis Highway

~~(e)~~ (f) Landscaping: Except for new signs within paved areas, existing as of April 25, 2001, grass, live groundcover, shrubs and trees consistent with other plantings shall be provided around each individual permanent freestanding sign. The landscaping required by this section shall be depicted on the site or landscaping plans.

~~(f)~~ (g) Illumination.

- (1) External lighting shall be limited to white lighting and shall not be blinking, fluctuating or moving. External lighting shall be provided by concealed and/or screened spots or floods and shall be arranged and installed so as not to cause glare ~~in an~~ any adjoining R, R-TH, R-MF or A district or public right-of-way. If external lighting is used, the sign shall not be internally illuminated. However, incidental lighting of buildings shall not be considered to be external lighting of signage.

- (2) Internal lighting shall be contained within translucent copy and internally illuminated sign boxes, provided the area illuminated for sign boxes is restricted to the sign face only. The illumination shall not cause glare on any adjoining R, R-TH, R-MF or A district or public right-of-way. If internal illumination is used, external lighting shall not be allowed. However, incidental lighting of buildings shall not be considered to be external lighting of signage.
- (3) School and church signs located in residential or agricultural districts shall not be illuminated between the hours of 10 p.m. and 6 a.m., subject to section 19-500.

(2) That this ordinance shall become effective immediately upon adoption.
(1923:62240.2 Revised 09/16/03 – Exhibit B)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **BANNERS FOR ONSITE ACTIVITIES OF NONPROFIT ORGANIZATIONS.**



An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Section 19-638. This amendment would provide additional time for businesses and organizations to display banners that advertise onsite activities of nonprofit organizations.



Mr. Allen presented an overview of the proposed Code Amendment and staff's recommendation for approval.

No one came forward to speak in favor of, or in opposition to, the proposal.

There was discussion relative to whether or not approval of the proposal could result in an increase in the number of banners that could be displayed; the impact on enforcement resources; and other issues of concern.

There being no one to speak to the proposal, Mr. Gecker closed the public hearing at approximately 7:31 p. m.

On motion of Mr. Cunningham, seconded by Mr. Litton, the Commission resolved to recommend approval of the following Code Amendment:

(1) *That Section 19-638 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:*

Sec. 19-638. Banners.

Banners do not require sign permits and are allowed so long as:

- (a) The applicant notifies the director of planning in writing at least five business days prior to the installation of a banner of the size, area, proposed location and manner of fastening of the banner and has received approval, with a designated identification number, for the banner. The banner shall have the identification number and the approved date of removal printed on the banner in one and a half inch numbers in the lower right corner. Any banner installed without prior notification to and approval of the director of planning shall be removed

immediately upon notification by the planning department and no other banner shall be displayed for 90 days. Banners shall not be attached to trees or shrubs.

- (b) A single banner not to exceed 50 square feet in area may be used to advertise a new business which has not installed its permanent signs, provided the banner is used for one time period not to exceed 30 consecutive days.
- (c) A single banner not to exceed 50 square feet in area may be used to advertise special events, provided the banner is not used for more than 30 consecutive days. Such banners shall not be displayed more than 60 days total during a calendar year on the same property and each banner must advertise a different event. For tenants in a nonresidential community that have separate exterior customer entrances, each tenant is a separate entity for the purpose of this provision. Tenants in nonresidential communities may erect a freestanding banner in lieu of a building mounted banner so long as no more than two banners are erected for the entire community at the same time for each arterial street front. One additional freestanding banner may be erected for the sole purpose of advertising the onsite activities of nonprofit organizations. Businesses and organizations located outside of a nonresidential community may erect a freestanding banner in lieu of a building mounted banner. Such businesses and organizations may receive an additional ~~20~~ 60 days a year of banner display for the sole purpose of advertising the onsite activities of nonprofit organizations. A nonprofit activity using a vacant site may erect one banner up to ten days prior to the advertised event which shall be removed immediately upon completion of the event.
- (d) Banners solely advertising a business name and/or logo are prohibited.
- (e) The permissible area of a banner may be increased for building mounted banners in accordance with the following:
 - (1) One square foot for each two feet of store frontage in excess of 100 feet, provided that no banner shall exceed 150 square feet in area.

- (2) One square foot for each 50 feet the store is set back from the nearest public road, provided that no banner shall exceed 150 square feet in area.
- (3) Banners may be up to 250 square feet in area within village areas when used to advertise community events and displayed across public roads.

(2) *That this ordinance shall become effective immediately upon adoption.*
(1923:62722.1/Revised 08/27/03 1:38 PM)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ STANDARDS FOR LOTS AND PARCELS SUBSTANTIALLY DIVIDED BY ENVIRONMENTAL FEATURES.

◆ ◆ ◆

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended by amending and reenacting Section 17-83 relating to standards for lots and parcels substantially divided by environmental features such as wetlands, RPAs or floodplains. This Ordinance will require affected lots or parcels to have a minimum contiguous area of not less than 9,000 square feet unless the lot is a townhouse lot or a smaller minimum lot size is established by zoning.

◆ ◆ ◆

Mr. Hainley presented an overview of the proposed Code Amendment and staff's recommendation for approval.

Mr. David Root, representing the Richmond Home Builders Association, voiced support for the proposal.

There being no one else to speak, Mr. Gecker closed the public hearing at approximately 7:34 p. m.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to recommend approval of the following Code Amendment:

(1) *That Section 17-83 of the Code of the County of Chesterfield, 1997, as amended, is amended and re-enacted to read as follows:*

Sec. 17-83. Minimum requirements.

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(i) (1) All lots that receive tentative approval after (INSERT EFFECTIVE DATE OF AMENDMENT), and which are substantially divided by environmental features such as wetlands, RPA's, or floodplains with a combined drainage basin exceeding fifty (50) acres, shall contain a minimum contiguous area of not less than 9,000 square feet that is:

a. exclusive of the environmental features, and

- b. located adjacent to the required street frontage and between the street frontage and the environmental features.
- (2) For purposes of this subsection, a lot shall not be considered to be substantially divided if an existing natural and continuous accessway, a minimum of fifteen (15) feet in width, provides access from the front of the lot to any proposed building envelope that is not adjacent to the street frontage.
- (3) The requirements of this subsection shall not apply to:
 - a. residential townhouse lots,
 - b. lots that are permitted by zoning conditions to be less than 9,000 square feet, provided that the lot contains a minimum contiguous area equal to or greater than the minimum lot size required by the zoning conditions, and
 - c. lots where:
 - i. the United States Army Corps of Engineers and any state regulatory agency having jurisdiction approves a crossing of the environmental features, and
 - ii. the minimum contiguous area exclusive of the environmental features is not less than 9,000 square feet, and
 - iii. the minimum contiguous area is located on that portion of the lot that is connected by the crossing. The size of drainage structures for any such crossing shall also satisfy the requirements of the Department of Environmental Engineering's Reference Manual.

(2) *That this ordinance shall become effective immediately upon adoption.*
 (1923:62544.1/Revised 08/08/03 10:34 AM)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **COMPREHENSIVE PLAN AMENDMENT AND RELATED ORDINANCE AMENDMENTS.**

◆ **MATOACA VILLAGE PLAN.**



The Matoaca Village Plan, an amendment to the Southern and Western Area Plan and the Thoroughfare Plan, parts of The Plan For Chesterfield, as the Plan relates to Matoaca Village and the surrounding area of the County. The Matoaca Village Plan area is bounded by Hickory Road to the north, by the Appomattox River to the south, by the Ettrick Village Plan to the east, and by Little and Church Roads to the west. The Matoaca Village Plan, if adopted by the Board of Supervisors, will become part of The Plan For Chesterfield, the County's Comprehensive Plan. The Plan For Chesterfield is used by County citizens, staff, the Planning Commission and Board of Supervisors as a guide for future decisions affecting the County including, but not

limited to, decisions regarding future land use, road networks and zoning actions.



Mr. Bowling presented an overview of the proposed Matoaca Village Plan with land use and transportation recommendations and related Code Amendments as well as staff's recommendation for approval.

Ms. Juanita Hudgins and Mr. David Stevens, Matoaca District residents, voiced support for the proposed Plan Amendment for preserving the rural character of the area and that the proposed densities not exceed those recommended in the Plan to preclude over-development and encroachment.

Messrs. Litton and Cunningham expressed concern that the draft Plan suggested R-C zoning for new development in most areas and that, as the Plan was a guide, some flexibility should be exercised in assessing the appropriateness of R-C zoning for specific properties.

There being no one else to speak, Mr. Gecker closed the public hearing at approximately 8:03 p. m.

Mr. Stack commended both staff and citizens involved in the process for their contributions to the development of the proposed Matoaca Village Plan, noting the Matoaca Village and surrounding area of the County was unique and distinctive and would be well-served in the future by the amendment.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission resolved to recommend approval of the proposed Matoaca Village Plan, an amendment to the Southern and Western Area Plan and the Thoroughfare Plan, parts of The Plan For Chesterfield, as the Plan relates to Matoaca Village and the surrounding area of the County and which Plan area is bounded by Hickory Road to the north, by the Appomattox River to the south, by the Etrick Village Plan to the east, and by Little and Church Roads to the west

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **AMENDMENT TO VISUAL RESOURCES ANALYSIS.**



An amendment to the Visual Resources Analysis, a part of the Southern and Western Area Plan, to include as scenic corridors Thoroughfare Plan roads that are located within the boundaries of the proposed Matoaca Village Plan.



No one came forward to speak in favor of, or in opposition to, the proposal.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission resolved to recommend approval of an amendment to the Visual Resources Analysis, adopted with the Southern and Western Area Plan, to include existing and planned major arterial and collector roads within the Plan geography as scenic corridors.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **CODE AMENDMENT RELATING TO DEVELOPMENT STANDARDS FOR THE MATOACA VILLAGE CORE VILLAGE COMMERCIAL AREA.**

◆ ◆ ◆

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Sections 19-600, 19-606, 19-609, 19-611 and 19-612 relating to development standards for the Matoaca Village Core village commercial area.

◆ ◆ ◆

No one came forward to speak in favor of, or in opposition to, the proposal.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission resolved to recommend approval of the following Code Amendment:

(1) *That Sections 19-600, 19-606, 19-609, 19-611, and 19-612 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted to read as follows:*

ARTICLE VII. DEVELOPMENT STANDARDS MANUAL

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DIVISION 3. DEVELOPMENT REQUIREMENTS – OFFICE, COMMERCIAL AND INDUSTRIAL

0 0 0

Subdivision IV. Development Requirements--Post Development Areas

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Sec. 19-600. Areas of applicability and exemptions.

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~~(6) Matoaca Community, extending from the centerline of Holloway Avenue to the centerline of Matoaca Road, including all land to a depth of 600 feet from the centerline of River Road, unless the parcel or project extends further than 600 feet in which case the requirements shall apply to the entire parcel or project.~~

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Subdivision V. Development Requirements – Village District

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Sec. 19-606. Areas of applicability and exemptions.

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- (9) The Matoaca Village Core Village Commercial Area, comprised of that area suggested for village commercial uses in the Matoaca Village Plan.

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Sec. 19-609. Setback requirements for O and C and I Districts.

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(h) Matoaca Village Core Village Commercial Area: The minimum setbacks for all buildings, drives, and surface and deck parking areas shall be as follows:

(1) Setbacks along River Road and Pickett Avenue:

- a. The minimum setback along River Road and Pickett Avenue for buildings shall be 15 feet from the ultimate right of way with the installation of perimeter landscaping G. The maximum setback shall be 25 feet with landscaping G.
- b. The minimum setback along River Road and Pickett Avenue for drives and parking shall be 25 feet with the installation of perimeter landscaping G provided, however, that no parking or associated driveway shall be any closer to the road than the face of any building along the road.

(2) Front setbacks: The minimum front setback along rights-of-way other than River Road and Pickett Avenue for buildings, drives and parking shall be 15 feet with the installation of perimeter landscaping G.

(3) Corner side setbacks: The minimum corner side setback along rights-of-way other than River Road and Pickett Avenue for buildings, drives and parking shall be 15 feet with the installation of perimeter landscaping G.

(4) Side setbacks:

- (a) Except as noted below, the minimum side setback for buildings shall be seven and one-half feet with the installation of perimeter landscaping A. When abutting an O or C District, the minimum setback shall be zero feet.
- (b) Except as noted below, the minimum side setback for drives and parking areas, shall be seven and one-half feet with the installation of perimeter landscaping F. When abutting an O or C District, the minimum setback shall be zero feet.

(5) Rear setbacks:

- (a) Except as noted below, the minimum rear setback for buildings shall be 25 feet with the installation of perimeter landscaping B. When abutting an O or C District, the minimum setback shall be zero feet.
- (b) Except as noted below, the minimum rear setback for drives and parking areas shall be 25 feet with the installation of perimeter landscaping B. However, the minimum setback may be reduced to seven and one-half feet with the installation of perimeter landscaping F.

- (6) Setbacks for gasoline pumps or other accessory uses: Gasoline pumps, canopies and drives serving gasoline pump islands or other accessory uses shall be separated from River Road and Pickett Avenue by a building or buildings served by such facilities.

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Sec. 19-611. Architectural treatment.

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(b) Within the Matoaca Village Core Village Commercial Area:

- (1) New development shall be compatible with the pedestrian scale and historic village character of Matoaca Village. New or altered buildings should be generally consistent in height, scale, massing (shape) and materials with existing structures in the village.
- (2) All new buildings and building additions shall be compatible with late 19th or early 20th Century residential architecture. Design features shall include, but not be limited to, style, articulation, size and location of doors and windows, architectural ornamentation, and use of materials such as brick and/or siding for exterior walls and asphalt shingle, simulated slate and/or standing seam metal for roofs. Nothing in this section shall preclude the use of imitation or artificial materials or elements, so long as such materials and elements are similar in appearance, style, detail and design to the materials used in late 19th or early 20th Century residential architecture.
- (3) Architectural treatment of all buildings shall be compatible with buildings located within the

same block or directly across any road, as determined by the Director of Planning. At locations where the existing buildings do not conform to late 19th or early 20th Century residential architecture, the Director of Planning may approve a new architectural treatment or theme. Compatibility may be achieved through the use of similar building massing, materials, scale, colors or other architectural features.

- (4) Buildings adjacent to River Road or Pickett Avenue provide a pedestrian entrance from River Road or Pickett Avenue and shall appear to have a main entrance facing the public right of way. On corner side yards, the building may front either right of way.

~~(b)~~ (c) *Within all other village districts:*

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Sec. 19-612. Heights, and Building Gross Floor Area.

The maximum height of all buildings within any O, C or I district shall be as specified in this section, except as provided in section 19-507 and 19-507.1.

- (1) Midlothian Village Core, Chester Village Corridor East, Matoaca Village Core Village Commercial Area: No structure shall exceed a height of two and one-half stories or 30 feet, whichever is less. Within the Matoaca Village Core Village Commercial Area, individual buildings shall not exceed 8,000 square feet of gross floor area provided, however, churches and other places of worship, schools, and other public and semi-public facilities such as libraries and fire stations shall not exceed 20,000 square feet of gross floor area.

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- (2) *That this ordinance shall become effective immediately upon adoption.*
(1923:62733.1/Revised 08/27/03 1:48 PM)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **CODE AMENDMENT RELATING TO THE R. C. CONSERVATION SUBDIVISION RESIDENTIAL DISTRICT.**

◆ ◆ ◆

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by adding Sections 19-100.1, 19-100.2, 19-100.3, 19-100.4, 19-100.5, 19-100.6 and 19-100.7 relating to the R-C Conservation Subdivision Residential District creating a residential zoning district that requires the preservation of rural vistas, historic sites and natural resources in conservation areas within subdivisions.

◆ ◆ ◆

No one came forward to speak in favor of, or in opposition to, the proposal.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission resolved to recommend approval of the following Code Amendment:

(1) That Sections 19-100.1, 19-100.2, 19-100.3, 19-100.4, 19-100.5, 19-100.6, and 19-100.7 of the Code of the County of Chesterfield, 1997, as amended, are added to read as follows:

ARTICLE III. Districts

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DIVISION 10.1. R-C Conservation Subdivision Residential District

Sec. 19-100.1. Purpose and intent.

The intent of this division is to create varied and healthy neighborhoods through the preservation of environmental, cultural and historical resources by requiring residential subdivisions that preserve rural vistas, historic sites and natural resources in conservation areas within subdivisions.

Sec. 19-100.2. Permitted uses by right.

The following uses shall be permitted by right in the R-C District: Those uses permitted by right in the R-88 District.

Sec. 19-100.3. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-C District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

- (a) Uses permitted with restrictions in the R-88 District.
- (b) The following uses shall be permitted within the conservation areas required by section 19-100.7(a):
 - (1) Active recreational facilities primarily serving the surrounding residential community, provided that:
 - a. A maximum of 10%, but no less than two (2) acres, of the designated conservation areas may be used for community buildings and active recreation facilities (tennis courts, swimming pools, etc.) with accessory parking, as long as such recreational facilities and parking areas are located and designed so as to minimize impacts on rural vistas, historic sites and/or natural resources.
 - b. With the exception of playground areas which accommodate swings, jungle gyms, or similar such facilities, all outdoor playfields, courts, swimming pools and similar active recreational areas shall be located a minimum of 100 feet from any single family residential lot line and a minimum of 50 feet from any public road. Nothing herein shall prevent development of indoor facilities

and/or parking within the 100 feet. Within the 100 foot setback, a 50 foot buffer shall be provided along the perimeter of all active recreational facilities except where adjacent to any public road. This buffer shall conform to the requirements of the zoning ordinance for 50 foot buffers.

c. Any playground areas (i.e., areas accommodating swings, jungle gyms or similar such facilities) shall be located a minimum of 40 feet from all property lines. A 40 foot buffer shall be provided along the perimeter of all such recreational facilities except where adjacent to any public roads. This buffer shall conform to the requirements of the zoning ordinance for fifty (50) foot buffers.

d. There shall be no outside public address system or speakers.

(2) Farming, not including stock or dairy farming, but including all buildings and structures necessary to such uses and the keeping, storage or operation of any vehicle or machinery necessary to such uses, provided that:

a. Such activities and facilities shall be located a minimum of 75 feet from any single family residential lot line.

b. Such activities requiring the operation of tractors, combines, or other internal combustion powered equipment shall be restricted to between the hours of 7:00 a.m. and 9:00 p.m.

(3) Passive recreational facilities (walking and riding trails, etc.) provided that trails shall be located a minimum of 25 feet from any adjacent property or any single family residential lot line.

(4) Stock farms, provided that:

a. Such activities are limited to the keeping of horses.

b. Pasture areas, barns or stables shall be set back a minimum of 75 feet from any adjacent property or any single family residential lot line and shall be cleaned and made free of waste on a regular basis and shall be maintained in such a way as to control the propagation of insects.

Sec. 19-100.4. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the R-C District: Those accessory uses, buildings and structures permitted in the R-88 District.

Sec. 19-100.5. Conditional uses.

The following uses may be allowed by conditional use in the R-C District, subject to the provisions of section 19-13: Those conditional uses permitted in the R-88 District.

Sec. 19-100.6. Special exceptions.

The following uses may be allowed as special exceptions in the R-C District, subject to the provisions of section 19-21: Those uses permitted as special exceptions in the R-88 District.

Sec. 19-100.7. Required conditions.

The conditions specified in this section shall be met in the R-C District.

(a) *Conservation areas.* Residential subdivisions shall be designed with a minimum of 50% of the land area, exclusive of collector and arterial roads, in permanent conservation areas. The primary purpose of conservation areas shall be to preserve rural vistas (ponds, pastures, working fields, wood lots, etc.) as viewed from existing and proposed collector and arterial roads, and historic sites, by excluding such areas from lot development. A secondary purpose shall be to preserve and promote natural resources (floodplains and wetlands, land forms such as hills and swales, streams and adjacent natural areas, wildlife habitat, etc.) by also excluding such areas from lot development. Such areas may include facilities for passive recreation (walking and riding trails, etc.). Such areas shall be set aside for the use and enjoyment of all residents of the development and shall be placed in the ownership of, or subject to a recorded easement in favor of, a homeowners association or a non-profit land trust, which can manage the areas for the benefit of the homeowners. Alternatively, such areas may be set aside for the use and enjoyment of the public and placed in the ownership of, or subject to a recorded easement in favor of, the county or a non-profit land trust, which can manage the areas for the benefit of the public.

(b) *Lot area and width.* Each lot shall have an area of not less than 12,000 square feet and a lot width of not less than 90 feet.

(c) *Percentage of lot coverage.* All buildings, including accessory buildings, on any lot shall not cover more than 30 percent of the lot's area.

(d) *Front yard.* Minimum of 35 feet in depth. On lots located along cul-de-sacs, if the radius of the cul-de-sac is 40 feet or less, the building setback around the cul-de-sac shall be at least 30 feet. Where the radius of the cul-de-sac is more than 40 feet, the building setback need not be more than 25 feet. Minimum setbacks shall be increased where necessary to obtain the required lot width at the front building line. Through the subdivision process, an additional setback of up to 25 feet may be added to the minimum setback, if the lot is located along an arterial or collector street. This additional setback requirement will be noted on the record plat.

(e) Side yard. Two side yards, each a minimum of 10 feet in width.

(f) Corner side yard. Minimum of 30 feet; except a corner lot back to back with another corner lot shall have a corner side yard not less than 20 feet.

(g) Rear yard. Minimum of 25 feet in depth.

(2) *That this ordinance shall become effective immediately upon adoption.*
(1923:62732.1/Revised 08/27/03 1:23 PM)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **CODE AMENDMENT REGARDING MANDATORY USE OF PUBLIC WATER AND WASTEWATER SYSEMS IN THE AREAS OF THE SOUTHERN AND WESTERN AREA PLAN, THE MATOACA VILLAGE PLAN AND THE ETTRICK VILLAGE PLAN.**

◆ ◆ ◆

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Sections 17-72 and 17-84 relating to the mandatory use of the public water and wastewater systems for properties included in the areas of the Southern and Western Area Plan, the Matoaca Village Plan and the Etrick Village Plan.

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No one came forward to speak in favor of, or in opposition to, the proposal.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission resolved to recommend approval of the following Code Amendment:

(1) *That Sections 17-72 and 17-84 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted to read as follows:*

Sec. 17-72. Improvements--Required.

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(k) Connection to the county water supply system shall be required in any of the following circumstances except as may be waived by the planning commission per County Code section 18-63:

o o o

- (4) When a lot is located within the areas of the sSouthern and wWestern Area pPlan area or Matoaca Village Plan unless residential zoning was obtained for such subdivision prior to June 23, 1993, or;
- (5) When a lot is located within the area of the Ettrick Village Plan unless residential zoning was obtained for such subdivision prior to [date of adoption of this ordinance amendment] or;
- ~~(5)~~ (6) When a lot is located within the area of the Route 288 Corridor Plan area unless residential zoning was obtained for such subdivision prior to May 25, 1999.

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(n) Connection to the county wastewater supply system shall be required in any of the following circumstances except as may be waived by the planning commission per County Code section 18-64:

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- (4) When the lot is located within the areas of the sSouthern and wWestern Area pPlan area or Matoaca Village Plan unless residential zoning was obtained prior to June 23, 1993.
- (5) When a lot is located within the area of the Ettrick Village Plan unless residential zoning was obtained prior to [date of adoption of this ordinance amendment] or;
- ~~(5)~~ (6) When the lot is located within the area of the Route 288 Corridor Plan area ~~adopted~~ unless residential zoning was obtained prior to May 25, 1999.

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Sec. 17-84. Standards for lots and parcels served by onsite sewage disposal systems.

o o o

~~(b)~~ (c) No subdivision of land within the sSouthern and wWestern Area pPlan area for which residential zoning is obtained after June 23, 1993 may utilize onsite wastewater disposal systems unless all lots in such subdivision are at least one acre in size and located in those areas designated in the county's comprehensive plan for single-family residential use in the lowest density category. (Areas ~~colored tan~~ on the sSouthern and wWestern Area pPlan area land use plan suggested for 1 to 5 acre lots suited to R-88 zoning.)

(d) No subdivision of land within the Matoaca Village Plan for which residential zoning is obtained after June 23, 1993 may utilize onsite wastewater disposal systems unless all lots in such subdivision are at least one acre in size and located in those areas designated in the county's comprehensive plan for single-family residential use in the lowest density category. (Areas on the Matoaca Village Plan suggested for 1 to 5 acre lots suited to R-88 zoning.)

(e) No subdivision of land within the Ettrick Village Plan for which residential zoning is obtained after [date of adoption of this ordinance amendment] may utilize onsite wastewater disposal systems unless all lots in such subdivision are at least one acre in size.

(f) No subdivision of land within the Route 288 Corridor Plan Area for which residential zoning is obtained after May 25, 1999 may utilize onsite wastewater disposal systems unless all lots in such subdivision are at least one acre in size and located in those areas designated in the county's comprehensive plan for single-family residential use in the lowest density category. (Areas colored tan on the Route 288 Corridor Plan suggested for residential (1 dwelling or less per acre).)

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(2) That this ordinance shall become effective immediately upon adoption.
(1923:62724.1/Revised 08/29/03 10:49 AM)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

03SN0246: In Midlothian Magisterial District, **WAL-MART STORES EAST, L.P.** requested rezoning and amendment of zoning district map from Agricultural (A), Corporate Office (O-2) and Community Business (C-3) to Community Business (C-3) and Light Industrial (I-1) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for suburban commercial use, planned transition area and medium density residential use of 1.51 to 4.0 units per acre. This request lies on 56.9 acres fronting in two (2) places for approximately 1,000 feet on the north line of Midlothian Turnpike west of Walmart Way, fronting the east line of Walmart Way approximately 430 feet north of Midlothian Turnpike, also fronting approximately 1,750 feet on the south line of Old Buckingham Road approximately 300 feet west of Olde Coalmine Road. Tax IDs 734-709-6871, 8509 and 8833; 735-708-1144; 735-709-0665; 735-710-0007, 3714 and 7620; and 736-708-Part of 1856 (Sheet 6).

Mr. Gecker stated his firm in Fayetteville, ~~NC~~ **Arkansas**, represented the applicant, declared a conflict of interest pursuant to the Virginia Conflict of Interest Act and excused himself from the meeting at approximately 8:10 p. m.

Ms. Peterson presented an overview of the request and staff's recommendation for denial, noting the proposed zoning and land uses did not conform with the Midlothian Area Community Plan and the Northern Area Plan and that the requested setback exceptions for the Light Industrial (I-1) portion of the project in combination with minimal buffering, failed to provide appropriate land use transitions to the adjacent residential and agricultural properties the north and east that would ensure protection of the surrounding residential developments.

Mr. Ed Kidd, the applicant's representative, did not accept staff's recommendation. He presented background history relative to the proposed development; referenced meetings with area residents and committees, noting he was aware of no opposition; stated the proposed development would provide improved and expanded services to the area while addressing business needs; that deviation from the Plan recommendation was justified; and asked the Commission for a favorable recommendation to the Board of Supervisors.

Mr. Litton opened the discussion for public comment.

Mr. John Clark, Ms. Amy Satterfield, Mr. Pepe Jones, ~~Ms. Nancy Ryland~~, Mr. Ed Lawhorn, Ms. Kathy Gaston, Mr. Joe Boisineau and Mr. John Easter, area residents, voiced support for the request, noting that the use provided a convenient shopping location for area residents; precluded access to Old Buckingham Road and would provide substantial landscaping and monies for area improvements.

Ms. Elizabeth Arnold, Ms. Nancy Reiland, Mr. Paul Germain and Mr. Mark Alonzi, area residents, did not opposed the Wal-Mart development but expressed concerns relative to some of the I-1 uses; lack of buffers along Old Buckingham Road; landscaping design; increased traffic; the need for additional time to evaluate the proposal; safety; and precedent for future area zonings which do not comply with the Plan.

In rebuttal, Mr. Kidd addressed the previously expressed concerns and reiterated his previous comments that the proposed development would provide improved and expanded services to the area while addressing business needs; that deviation from the Plan recommendation was justified; and asked the Commission for a favorable recommendation to the Board of Supervisors.

Mr. Litton indicated that the applicants, together with cases 03SN0284 (Poseidon Swimming) and 03SN0245 (William P. Sowers) offered an opportunity to zone and plan most of the remaining vacant acreage in the area with an internal road network and proper land use transitions and buffers.

Mr. Stack indicated that the proposal offer an opportunity to preclude additional development accessing Old Buckingham Road.

Mr. Cunningham indicated that a deferral may in order to allow further negotiations to resolve the minor concerns which had been expressed.

Mr. Gulley indicated that his information indicated that the Stonehenge community was not in unanimous favor of the expansion; expressed concerns relative to the lack of buffers on Old Buckingham Road; and expressed concerns that the monies proffered could not be used to mitigate the impact of the development on the Stonehenge neighborhood.

On motion of Mr. Litton, seconded by Mr. Stack, the Commission recommended approval of Case 03SN0246 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Owners and the Developer, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County (the "Zoning Ordinance"), for themselves and their successors or assigns, proffer that the development of the property designated as Chesterfield County Tax IDs 735-708-1144, 734-709-8509, 734-709-8833, 734-709-6871, 736-708-1856 (part), 735-710-0007, 735-709-0665, 735-710-3714 and 735-710-7620 containing a total of 56.9 acres (the "Property") consisting of (i) 5.4 acres shown on the drawing prepared by Koontz-Bryant, P.C., dated August 25, 2003, entitled "Zoning Exhibit A" ("Zoning Exhibit A") as "Sam's Club Property" (the "Sam's Club Property"), (ii) 26.5 acres shown on Zoning Exhibit A as "Wal-Mart Property" (the "Wal-Mart Property"), (iii) 11.9 acres shown on Zoning Exhibit A as "Office/Service Property" (the "Office/Service Property") and (iv) 13.1 acres shown on Zoning Exhibit A as "Stigall Property" (the "Stigall

Property") under consideration will be developed according to the following proffered conditions if, and only if, the request for rezoning of the Property for retail and industrial uses is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffered conditions shall be immediately be null and void and of no further force or effect. If the zoning is granted, these proffered conditions will supersede all proffers and conditions now applicable to the Property.

Proffered Conditions

1. Uses. No portion of the Wal-Mart Property or the Sam's Club Property shall be used for any of the following:
 - (a) Cocktail lounges and nightclubs
 - (b) Hospitals
 - (c) Hotels
 - (d) Flea markets
 - (e) Free-standing fast food restaurants.
 - (f) Any use with drive-in or drive-through facilities.
 - (g) Servicing of motor vehicles (including tires and lubrication); provided, however, this proffer shall not prohibit a gasoline fueling and car wash facility on the Sam's Club Property.
 - (h) Coin operated dry cleaning, laundry and Laundromats.
 - (i) Park and ride lots.
 - (j) Secondhand and consignment stores.
 - (k) Commercial kennels.
 - (l) Residential multifamily and townhouses.
 - (m) Outside storage of construction equipment/materials.
 - (n) Outside runs for veterinary hospitals.
 - (o) Massage clinics except when located within a health club, tanning salon or similar facility.
 - (p) Cigarette outlet store which shall mean a store where the primary product offered for sale is cigarettes in bulk on a discounted basis. (P)
2. Uses. No portion of the Office/Service Property or the Stigall Property shall be used for any of the following:
 - (a) Bakery products manufacturing.
 - (b) Paper recycling.
 - (c) Umbrellas, parasols and canes manufacturing.
 - (d) Converting paper to paperboard products, paperboard containers and boxes.
 - (e) Dry cleaning plants.
 - (f) Fur dressing and dyeing.
 - (g) Linoleum, asphalt-feltbase and other hard surface floor cover manufacturing.
 - (h) Park and ride lots.
 - (i) Rectifying and blending liquors.
 - (j) Rental of heavy construction machinery.
 - (k) Wine, brandy and brandy spirits manufacturing. (P)

3. Architecture. In the event the existing building located on the Wal-Mart Property is expanded, the exterior architectural design for the building shall be generally consistent with the architectural elevations dated June 17, 2003, prepared by PBA Architects, entitled "Midlothian, Virginia, Supercenter Expansion #1969 (the "Architectural Plans"). (P)
4. Building Heights.
 - (a) Buildings on the Office/Service Property shall have a maximum of one (1) story and shall not exceed twenty five (25) feet in height.
 - (b) Buildings on the Stigall Property shall have a maximum of two (2) stories and shall not exceed thirty (30) feet in height. (P)
5. Building and Parking Area Locations. Buildings and parking areas on the Property shall be subject to the following limitations:
 - (a) No building on the Wal-Mart Property shall extend north of the area shown on Zoning Exhibit A as "Permitted Building Area" which area extends five hundred fifty (550) feet north of the right of way of U.S. Route 60.
 - (b) No building, parking or driveways shall extend west of the line shown on Zoning Exhibit A as "Building, Parking and Driveway Setback", which line is further defined by metes and bounds on the plat dated July 16, 2003, prepared by Koontz-Bryant, P.C., entitled "Compiled Plat Showing A Proposed Building, Parking and Driveway Setback On A Parcel Of Land Lying On The North Line Of Midlothian Turnpike, U.S. Route 60". (P)
6. Upgrade of Site Lighting. In the event the existing building located on the Wal-Mart Property is expanded by more than 20,000 square feet of building area, (i) site lighting, including poles and fixtures, shall be modified to conform with the then applicable development conditions as set forth in the Zoning Ordinance, which modifications shall be completed prior to the issuance of an occupancy permit for the expanded building area and (ii) any building mounted lighting shall be limited to "wall pack" light fixtures. (P)
7. Cleaning of Parking Lots. Routine parking lot cleaning activities shall be limited to the hours between 6:00 a.m. and 8:00 p.m., Monday through Saturday. (P)
8. Landscaping.
 - (a) The western boundary of the Wal-Mart Property shall be landscaped, including the installation of fencing, in a manner which is generally consistent with the plan dated July 22, 2003, prepared by Koontz-Bryant, P.C., entitled "Wal-Mart Expansion 1969-02, Western Boundary Conceptual Landscape Plan" (the "Western Boundary Landscape Plan"). Adjustments to the Western Boundary Landscape Plan, including adjustments for conflicts with utilities, may be made in conjunction with site plan review, provided that no such modification shall materially alter or reduce the overall effect provided by the Western Boundary Landscape Plan. In the event parking serving the Wal-Mart Property extends onto the Office/Service Property, the western boundary of such parking area shall be landscaped in a manner consistent with the

landscaping shown on the Western Boundary Landscape Plan adjacent to the parking areas on the northern portion of the Wal-Mart Property. If acceptable to the holder of the electric transmission easement crossing the property, a variety of evergreen trees shall be substituted for the wax myrtles shown on the Western Boundary Landscape Plan within the area of the transmission easement.

- (b) The southern boundary of the Wal-Mart Property shall be landscaped in a manner which is generally consistent with the plan dated July 22, 2003, prepared by Koontz-Bryant, P.C., entitled "Wal-Mart Expansion 1969-02, Route 60 Boundary Conceptual Landscape Plan" (the "Route 60 Boundary Landscape Plan"). Adjustments to the Route 60 Boundary Landscape Plan, including adjustments for conflicts with utilities, may be made in conjunction with site plan review, provided that no such modification shall materially alter or reduce the overall effect provided by the Route 60 Boundary Landscape Plan.
- (c) The eastern boundary of the Wal-Mart Property shall be landscaped in a manner which is generally consistent with the plan dated July 22, 2003, prepared by Koontz-Bryant, P.C., entitled "Wal-Mart Expansion 1969-02, Eastern Boundary Conceptual Landscape Plan" (the "Eastern Boundary Landscape Plan"); provided, however, Zelcova trees shall be substituted for the Bradford celery pear trees shown on the Eastern Boundary Landscape Plan. Adjustments to the Eastern Boundary Landscape Plan, including adjustments for conflicts with utilities, may be made in conjunction with site plan review provided that no such modification shall materially alter or reduce the overall effect provided by the Eastern Boundary Landscape Plan. (P)

9. Tree Preservation. No trees with a caliper of greater than four (4) inches shall be removed from any of the areas shown on the Western Boundary Landscape Plan as "Tree Preservation Area" or within applicable building and parking setbacks along the western boundary of the Office/Service Property adjacent to Falling Creek or within the thirty (30) foot wide area measured from (i) the existing boundary of the Office/Service Property adjacent to Old Buckingham Road and (ii) the ultimate right of way for Old Buckingham Road adjacent to the Stigall Property as described in proffer 12(b); provided, however, this proffer shall not restrict the removal of dead or diseased materials or as may be required for the extension of utilities provided that such utility extensions shall occur generally perpendicular through the tree preservation area. (P)

10. Water and Wastewater. Public water and wastewater systems shall be used. (U)

11. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

12. Transportation.

- (a) Access to Old Buckingham Road. There shall be no direct access to or from the Property to Old Buckingham Road.
- (b) Right of Way for Old Buckingham Road. Prior to the issuance of any building permit

for the Stigall Property, thirty-five (35) feet of right of way on the south side of Old Buckingham Road, measured from the centerline of that part of Old Buckingham Road immediately adjacent to the Stigall Property shall be dedicated, free and unrestricted (but subject to recorded easements), to and for the benefit of Chesterfield County.

(c) Access Road to Office/Service Property and Wal-Mart Property.

- (i) Prior to any final site plan approval for any development on the Office/Service Property or the Wal-Mart Property, a fifty (50) foot wide right of way for a special access street pursuant to Section 19-505(b) of the Zoning Ordinance extending from the existing terminus of WalMart Way shown as "Point A" on Zoning Exhibit A ("Point A") to a point which is approximately two hundred fifty (250) feet north of the southernmost boundary of the Stigall Property shown as "Point B" on Zoning Exhibit A ("Point B"), including right of way across the parcels identified as Tax IDs 735-708-1144, 734-709-8833, 735-709-5944, and 735-709-0665, as applicable, all as shown conceptually on Zoning Exhibit A (the "Western Special Access Street"), shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of the Western Special Access Street shall be approved by the Transportation Department.
- (ii) Prior to issuance of an occupancy permit for any development on the Office/Service Property other than as part of the parking area for the Wal-Mart Property as identified in the Textual Statement, the Western Special Access Street from Point A to Point B shall be constructed as a two (2) lane road and approved for State acceptance, as determined by the Transportation Department. The developer shall dedicate any additional right of way (or easements) required for this improvement (e.g. slope easements or temporary cul-de-sac), free and unrestricted, to and for the benefit of Chesterfield County.

(d) Access Road to Stigall Property.

- (i) Prior to any final site plan approval for any development on the Stigall Property north of Point B, a fifty (50) foot wide right of way for the Western Special Access Street and for the extension of the Western Special Access Street as a special access street pursuant to Section 19-505(b) of the Zoning Ordinance extending from Point B to the western boundary of Tax ID 736-709-3667 shown conceptually as "Point C" on Zoning Exhibit A ("Point C"), including right of way across the parcel identified as Tax ID 735-709-5944, as applicable, all as shown conceptually on Zoning Exhibit A (the "Western Special Access Street Extension"), shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of the Western Special Access Street and the Western Special Access Street Extension shall be approved by the Transportation Department.
- (ii) Prior to issuance of an occupancy permit for any development on the Stigall Property north of Point B, the Western Special Access Street from Point A to Point B and the Western Special Access Street Extension from Point B to Point C shall be constructed as a two (2) lane road and approved for State acceptance, as determined by the Transportation Department. The developer shall dedicate any additional right of way (or easements) required for this improvement (e.g. slope easements or temporary cul-de-sac), free and unrestricted, to and for the benefit of Chesterfield County.

(e) Access Easement to Adjacent Property. Prior to any site plan approval on the Stigall Property north of Point B, an access easement, acceptable to the Transportation Department, shall be recorded across the Stigall Property and/or across the parcel identified as Tax ID 735-709-5944, from the Western Special Access Street Extension to the parcel identified as Tax ID 736-710-0625, at a location acceptable to the Transportation Department. The recorded access easement shall include a condition that the easement may not be used by any portion of the parcel identified as Tax ID 736-710-0625 which uses Old Buckingham Road for access, it being the intention that no traffic from Old Buckingham Road shall be allowed to travel from Old Buckingham Road to the Western Special Access Street Extension.

(f) Access Road to Sam's Club Property.

- (i) Prior to any final site plan approval for any development on the Sam's Club Property, a fifty (50) foot wide right of way for a special access street pursuant to Section 19-505(b) of the Zoning Ordinance extending from WalMart Way at the location shown as "Point D" on Zoning Exhibit A ("Point D") to the common boundary line between the Sam's Club Property and the parcel identified as Tax ID 735-709-8503 shown as "Point E" on Zoning Exhibit A ("Point E"), all as shown conceptually on Zoning Exhibit A (the "Eastern Special Access Street"), shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of the Eastern

Special Access Street shall be approved by the Transportation Department.

- (ii) Prior to issuance of an occupancy permit for any development on the Sam's Club Property, the Eastern Special Access Street from Point D to Point E shall be constructed as a two (2) lane road and approved for State acceptance, as determined by the Transportation Department. The developer shall dedicate any additional right of way (or easements) required for this improvement (e.g. slope easements or temporary cul-de-sac), free and unrestricted, to and for the benefit of Chesterfield County.
- (g) Access from U.S. Route 60. Direct access from the Wal-Mart Property to Route 60 shall be limited to one (1) point of access at substantially the same location as the existing point of access as generally shown on Zoning Exhibit A. If relocated from its existing location, the exact location of the access shall be approved by the Transportation Department.
- (h) Maximum Densities.
 - (i) Development on the Office/Service Property shall not exceed 40,000 gross square feet of business park uses or equivalent traffic density as determined by the Transportation Department consistent with the May, 2003 Revised Traffic Impact Analysis Report for the Wal-Mart Retail Center Expansion prepared by Ramey Kemp & Associates of Richmond, Inc. (the "Traffic Analysis").
 - (ii) Development on the Wal-Mart Property shall not exceed 212,428 gross square feet of shopping center uses, exclusive of outside display/storage/service areas that are not covered or equivalent traffic density as determined by the Transportation Department consistent with the Traffic Analysis.
 - (iii) Development on the Sam's Club Property shall not exceed a gasoline/service station with 12 fueling stations and including a car wash facility or equivalent traffic density as determined by the Transportation Department consistent with the Traffic Analysis.
 - (iv) Development on the Stigall Property shall not exceed 104,800 gross square feet of business park uses or equivalent traffic density as determined by the Transportation Department consistent with the Traffic Analysis.
 - (v) Notwithstanding the foregoing, with the agreement of the applicable property owners and the approval of the Transportation Department, density on any of the Office/Service Property or the Stigall Property may be transferred to other portions of the Office/Service Property or the Stigall Property and density on any of the Wal-Mart Property or the Sam's Club Property may be transferred to other portions of the Wal-Mart Property or the Sam's Club Property. Density transfer(s) shall be based on equivalent traffic generation as determined by the Transportation Department. (T)

13. In conjunction with the approval of this request, the Textual Statement dated July 14, 2003, last revised September 15, 2003 shall be approved. (P)
14. Cash Proffer. To mitigate the impact of development, prior to final site plan approval for any development on the Wal-Mart Property, the applicant or its assignee(s) shall pay \$340,000 to the County for improvements to the area located within the boundaries of the Midlothian Area Community Plan which may include, but not necessarily be limited to, traffic signalization, streetscape improvements or acquisition of property or development rights to protect the entrance into the Village of Midlothian. Notwithstanding the foregoing, in the event application for approval of a site plan for development on the Wal-Mart Property generally consistent with the approved zoning is not submitted to the County within six (6) months from the date of rezoning approval or thereafter diligently pursued in good faith to a final decision, such payment shall become due and payable thirty (30) days after written request from the County to the applicant or its assignee(s). In the event the funds paid are not used for such purposes within fifteen (15) years of receipt by the County, any unused funds shall be returned to the payor. (P & BM)

AYES: Messrs. Litton, Cunningham and Stack.
ABSTENTION: Mr. Gulley.
ABSENT: Mr. Gecker.

Mr. Gecker returned to the meeting at approximately 9:57 p. m.

03SN0245: In Midlothian Magisterial District, **WILLIAM P. SOWERS CONSTRUCTION CO.** requested rezoning and amendment of zoning district map from Corporate Office (O-2) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for suburban commercial use, medium density residential use of 1.51 to 4.0 units per acre and medium/high density residential use of 4.01 to 7.0 units per acre. This request lies on 5.2 acres fronting approximately 475 feet on the east line of Walmart Way, approximately 700 feet north of Midlothian Turnpike. Tax IDs 735-709-8503 and Part of 5944 (Sheet 6).

Ms. Peterson presented an overview of the request and staff's recommendation for denial, noting the proposed zoning and land uses did not conform with the Midlothian Area Community Plan and the Northern Area Plan. She stated, however, It should be noted that this case, coupled with the pending cases for Wal-Mart (03SN0246) and Poseidon (03SN0284), could accomplish appropriate land use and transition while zoning and planning for the development of most of the remaining vacant property between Route 60 and Old Buckingham Road between Olde Coach Village and Millstone Creek.

Mr. Ed Kidd, the applicant's representative, did not accept staff's recommendation; presented background history relative to the proposed development; referenced meetings with area residents and committees, noting he was aware of no opposition; stated the proposed development would provide improved and expanded services to the area while addressing business needs; that deviation from the Plan recommendation was justified; and asked the Commission for a favorable recommendation to the Board of Supervisors. He further noted that, in conjunction with the Wal-Mart and Poseidon companion cases, this request could accomplish appropriate land use and transition while zoning and planning for the development of most of the remaining

vacant property between Route 60 and Old Buckingham Road between Olde Coach Village and Millstone Creek.

Ms. Martha Winesette, an area resident, voice opposition to the request, citing concerns that the proposal would create additional traffic and result in the intrusion of lights upon residents on Old Buckingham Road.

Mr. Litton indicated that this proposal represented part of a package to zone and plan the remaining vacant land in the area resulting in less traffic impact on the area and good land use transition.

On motion of Mr. Litton, seconded by Mr. Stack, the Commission recommended approval of this request and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Owners and the Developer, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property designated as Chesterfield County Tax IDs 735-709-8503 and 735-709-5944 (part) containing a total of 5.2 acres as shown on the drawing prepared by Koontz-Bryant, P.C., dated August 25, 2003, entitled "Zoning Exhibit A" ("Zoning Exhibit A") (the "Property") under consideration will be developed according to the following proffered conditions if, and only if, the request for rezoning of the Property to C-3 for development of retail uses is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffered conditions shall be immediately be null and void and of no further force or effect. If the zoning is granted, these proffered conditions will supersede all proffers and conditions now applicable to the Property.

Proffered Conditions

1. Uses. No portion of the Property shall be used for any of the following:
 - (a) Cocktail lounges and nightclubs
 - (b) Hospitals
 - (c) Hotels
 - (d) Flea markets
 - (e) Free-standing fast food restaurants.
 - (f) Any use with drive-in or drive-through facilities.
 - (g) Servicing of motor vehicles (including tires and lubrication); provided, however, this proffer shall not prohibit a gasoline fueling and car wash facility on the Sam's Club Property.
 - (h) Coin operated dry cleaning, laundry and Laundromats.
 - (i) Park and ride lots.
 - (j) Secondhand and consignment stores.
 - (k) Commercial kennels.
 - (l) Residential multifamily and townhouses.
 - (m) Outside storage of construction equipment/materials.
 - (n) Outside runs for veterinary hospitals.
 - (o) Massage clinics except when located within a health club, tanning salon or similar facility.

- (p) Cigarette outlet store which shall mean a store where the primary product offered for sale is cigarettes in bulk on a discounted basis. (P)
- 2. Building Heights. Buildings on the Property shall have a maximum of one (1) story and shall not exceed twenty five (25) feet in height. (P)
- 3. Cleaning of Parking Lots. Routine parking lot cleaning activities shall be limited to the hours between 6:00 a.m. and 8:00 p.m., Monday through Saturday. (P)
- 4. Water and Wastewater. Public water and wastewater systems shall be used. (U)
- 5. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
- 6. Transportation
 - (a) Access Road to Wal-Mart Way.
 - (i) Prior to any final site plan approval for any development on the Property, a fifty (50) foot wide right of way for a special access street pursuant to Section 19-505(b) of the Zoning Ordinance extending from WalMart Way at the location shown as "Point D" on Zoning Exhibit A ("Point D") to the common boundary line between the parcel identified as Tax ID 736-709-1439 and the parcel identified as Tax ID 736-709-3667, including rights of way across the parcels identified as Tax ID's 736-708-1856, 736-709-4223 and 736-709-1439 shown as "Point F" on Zoning Exhibit A ("Point F"), all as shown conceptually on Zoning Exhibit A (the "Special Access Street") shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of the Special Access Street shall be approved by the Transportation Department.
 - (ii) Prior to issuance of an occupancy permit for any development on the Property, the Special Access Street shall be constructed as a two (2) lane road and approved for State acceptance, as determined by the Transportation Department. The developer shall dedicate any additional right of way (or easements) required for this improvement (e.g. slope easements or temporary cul-de-sac), free and unrestricted, to and for the benefit of Chesterfield County.
 - (iii) In the event the developer is unable to acquire the right of way across the parcels identified as Tax ID's 736-709-4223 and 736-709-1439 necessary for the Special Access Street as identified in Proffered Condition 6(a)(i) and (ii), the developer may request, in writing, the County to acquire such right of way as a public road improvement. All costs associated with the acquisition of the right of way shall be borne by the developer. In the event the County

chooses not to assist the developer in acquisition of the "off-site" right of way, the developer shall be relieved of the obligation to acquire the "off-site" right of way and construction of the Special Access Street across the parcels identified as Tax ID's 736-709-4223 and 736-709-1439.

- (b) Maximum Density. Development on the Property shall not exceed 40,000 gross square feet of shopping center uses or equivalent traffic density as determined by the Transportation Department consistent with the May, 2003 Revised Traffic Impact Analysis Report for the Wal-Mart Retail Center Expansion prepared by Ramey Kemp & Associates of Richmond, Inc. (T)

AYES: Messrs. Gecker, Litton, Cunningham and Stack.

NAY: Mr. Gulley.

03SN0284: In Midlothian Magisterial District, **POSEIDON SWIMMING, INC.** requested Conditional Use and amendment of zoning district map to permit a commercial indoor recreational establishment in an Agricultural (A) District. The density of such amendment is controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 8.6 acres lying off the western terminus of West Petty Road, approximately 150 feet west of Black Heath Road. Tax IDs 736-709-3667 and 4223 (Sheet 6).

Ms. Peterson presented an overview of the request and staff's recommendation for denial, noting the proposed zoning and land use did not conform with the Northern Area Plan. She also pointed out that this request, coupled with the pending cases for Wal-Mart (03SN0246) and William P. Sowers Construction Co. (03SN0245), could accomplish appropriate land use and transition while zoning and planning for the development of most of the remaining vacant property between Route 60 and Old Buckingham Road between Olde Coach Village and Millstone Creek. It would be important to address adequate buffers adjacent to residential development.

Mr. John Easter, the applicant's representative, did not accept staff's recommendation; introduced the President of Poseidon Swimming, Inc.; explained the background and purpose of the organization; pointed out inconsistencies of the area Plan, noting deviation from the Plan was justifiable in this instance; indicated the proposed request, in conjunction with the companion Wal-Mart and Sowers cases, could accomplish appropriate land use and transition while zoning and planning for the development of most of the remaining vacant property between Route 60 and Old Buckingham Road between Olde Coach Village and Millstone Creek and have less impact on the area community than other uses permitted on the property; and asked the Commission to forward a favorable recommendation to the Board of Supervisors for consideration.

Ms. Martha Winesette, an area resident, cited concerns relative to the hours of operation, the number of participants utilizing the facility and encroachment on the Olde Coach Village neighborhood. She stated she was not opposed to development; however, she did not feel this development was appropriate for the area and she did not want it in her back yard.

On motion of Mr. Litton, seconded by Mr. Stack, the Commission recommended approval of Case 03SN0284 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The property owner and applicant in this conditional use request, for themselves and their successors or assigns, proffer that any development of the property under consideration ("the Property") for indoor recreational use shall be according to the following proffered conditions if, and only if, the conditional use is approved with only those conditions agreed to by the owner and applicant. In the event this request is denied or approved with conditions not agreed to by the owner and applicant, the proffers shall immediately be null and void and of no further force or effect.

1. No Timbering. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
2. Public Wastewater System. The public wastewater system shall be used. (U)
3. Restricted Access. No access shall be permitted to or from the Property to Black Heath Road or West Petty Road. (T)
4. Building and Parking Area Location. Any building shall be located toward the eastern property line, with its longer dimension generally parallel to that property line, and parking shall not be permitted between such building and the eastern property line. This shall not preclude driveways to accommodate emergency access. Any building or parking area shall be set back at least 75 feet from the eastern property line and from the northern property line adjacent to Tax ID 736-710-3031. (P)
5. Uses. Uses shall be limited to indoor recreation consisting of indoor swimming pool, spectator areas, facilities customarily accessory to this indoor swimming facility, and bingo operations. (P)
6. Development Standards. Any development shall conform to the requirements of the Zoning Ordinance for Neighborhood Business (C-2) uses in Emerging Growth Areas, except that: (a) where the requirements of the underlying Agricultural (A) zoning are more restrictive, they shall apply; (b) no buffer shall be required adjacent to Tax ID 736-709-1439; and (c) any architectural theme and compatibility requirements for commercial districts (currently contained in section 19-570(a) of the Zoning Ordinance) shall not apply.

A 50-foot buffer meeting the requirements of sections 19-520, 19-521, and 19-522 of the Zoning Ordinance shall be provided adjacent to Tax ID 736-710-3031 as long as that property is used for residential or agricultural uses. (P)

7. Transportation.
 - (a) Public Access Road to Wal-Mart Way and Easement to Adjacent Property.
 - (i) Prior to any final site plan approval for any development on the Property, a fifty (50) foot wide right of way for a special access street pursuant to Section 19-505(b) of the Zoning Ordinance extending from WalMart Way at the approximate location shown as "Point D" on Zoning Exhibit A ("Point D") to

the common boundary line between the parcel identified on Zoning Exhibit A as Tax ID 736-709-3667 and the parcel identified as Tax ID 735-709-5944, including rights of way across the parcels identified as Tax ID 736-708-1856, 735-709-8503, and 736-709-1439 shown as "Point C" on Zoning Exhibit A ("Point C"), all as shown conceptually on Zoning Exhibit A (the "Special Access Street") shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of the Special Access Street shall be approved by the Transportation Department.

- (ii) Prior to issuance of an occupancy permit for any development on the Property, the Special Access Street shall be constructed as a two (2) lane road from Point D to Point C and approved for State acceptance, as determined by the Transportation Department. The developer shall dedicate any additional right of way (or easements) required for this improvement (e.g. slope easements or temporary cul-de-sac), free and unrestricted, to and for the benefit of Chesterfield County.
 - (iii) Prior to any site plan approval on the Property, an access easement, acceptable to the Transportation Department, shall be recorded across the Property and/or across the parcel identified as Tax ID 735-709-5944 from the loop road shown on Zoning Exhibit A ("Loop Road") to the parcel identified as Tax ID 736-710-3031, at a location acceptable to the Transportation Department. The recorded access easement shall include a condition that the easement may not be used by any portion of the parcel identified as Tax ID 736-710-3031 which uses Old Buckingham Road for access, it being the intention that no traffic from Old Buckingham Road shall be allowed to travel from Old Buckingham Road to the Loop Road.
 - (iv) In the event the developer is unable to acquire the right of way necessary for the Special Access Street as identified in Proffered Condition 6(a)(i) and (ii), the developer may request, in writing, the County to acquire such right of way as a public road improvement. All costs associated with the acquisition of the right of way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right of way, the developer shall be relieved of the obligations to acquire the "off-site" right of way, to construct the Special Access Street across the parcels identified as Tax ID 736-708-1856, Tax ID 735-709-8503, and Tax ID 736-709-1439, and to provide an access easement for the benefit of the parcel identified as Tax ID 736-710-3031.
- (b) Maximum Density. Development on the Property shall not exceed a 1,010 seat swimming pool facility or equivalent traffic density as determined by the Transportation Department consistent with the May, 2003 Revised Traffic Impact Analysis Report for the Wal-Mart Retail Center Expansion prepared by Ramey Kemp & Associates of Richmond, Inc., except that additional development beyond such maximum density may be approved by the Transportation Department upon completion of additional traffic analysis acceptable to the Transportation Department

and provided that mitigating road improvements are constructed as determined by the Transportation Department. (T)

8. Architectural Treatment. Architectural treatment of buildings, including materials, color and style, shall be compatible with buildings located on Tax ID 7367081856 and Tax ID 7357098503. Compatibility may be achieved through the use of similar materials, scale, colors and other architectural features. (P)

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

F. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gulley, seconded by Mr. Cunningham, that the meeting adjourned at approximately 10:26 p. m. to October 21, 2003, at 12:00 Noon in the Executive Session Meeting Room of the Chesterfield County Government Complex.

AYES: Messrs. Gecker, Litton, Cunningham, Gulley and Stack.

Chairman/Date

Secretary/Date